

# Public Document Pack



## RUSHMOOR BOROUGH COUNCIL

### CABINET

*at the Council Offices, Farnborough on  
Tuesday, 7th June, 2022 at 7.00 pm*

To:

Cllr D.E. Clifford, Leader of the Council  
Cllr M.L. Sheehan, Deputy Leader and Operational Services Portfolio Holder  
Cllr M.J. Tennant, Deputy Leader and Major Projects and Property Portfolio Holder

Cllr J.B. Canty, Customer Experience, Digital and Transformation Portfolio Holder  
Cllr Sue Carter, Democracy, Strategy and Partnerships Portfolio Holder  
Cllr A.R. Newell, Planning and Economy Portfolio Holder  
Cllr P.G. Taylor, Corporate Services Portfolio Holder

Enquiries regarding this agenda should be referred to Chris Todd, Democracy and Community, on 01252 398825 or e-mail: [chris.todd@rushmoor.gov.uk](mailto:chris.todd@rushmoor.gov.uk)

## A G E N D A

### 1. DECLARATIONS OF INTEREST –

Under the Council's Code of Conduct for Councillors, all Members are required to disclose relevant Interests in any matter to be considered at the meeting. Where the matter directly relates to a Member's Disclosable Pecuniary Interests or Other Registrable Interest, that Member must not participate in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation (see note below). If the matter directly relates to 'Non-Registrable Interests', the Member's participation in the meeting will depend on the nature of the matter and whether it directly relates or affects their financial interest or well-being or that of a relative, friend or close associate, applying the tests set out in the Code.

**NOTE:**

On 27th May, 2021, the Council's Corporate Governance, Audit and Standards Committee granted dispensations to Members appointed by the Council to the Board of the Rushmoor Development Partnership and as Directors of Rushmoor Homes Limited.

2. **MINUTES** – (Pages 1 - 4)

To confirm the Minutes of the meeting held on 26th April, 2022 (copy attached).

3. **COUNCIL BUSINESS PLAN AND RISK REGISTER QUARTERLY UPDATE AND END OF YEAR 2021/22** – (Pages 5 - 48)

(Cllr Sue Carter, Democracy, Strategy and Partnerships Portfolio Holder)

To consider Report No. ACE2203 (copy attached), which sets out performance monitoring information in relation to the Council Business Plan and Risk Register for the fourth quarter of 2021/22 and includes an end of year report.

4. **INTRODUCTION OF A PUBLIC SPACE PROTECTION ORDER IN ALDERSHOT TOWN CENTRE** – (Pages 49 - 148)

(Cllr Maurice Sheehan, Operational Services Portfolio holder)

To consider Report No. OS2207 (copy attached), which sets out a proposal for the adoption of Public Space Protection Order in respect of Aldershot town centre.

5. **REPORT OF URGENCY DECISION - UNION YARD - EXTENSION OF TIME CLAIM** – (Pages 149 - 158)

(Cllr Martin Tennant, Major Projects and Property Portfolio Holder)

To note decisions made under the Council's arrangements for urgency and exceptions relating to an extension of time claim in respect of the Union Yard regeneration scheme as a result of works to Nos. 35-39 High Street, Aldershot (Report No. ED2203 and Record of Executive Decision attached).

6. **APPOINTMENTS TO CABINET WORKING GROUPS** –

To confirm the appointments to the following groups for the 2022/23 Municipal Year, subject to each group reviewing its Terms of Reference at its first meeting of the municipal year:

**i) Budget Strategy Working Group**

Corporate Services Portfolio Holder - Cllr P.G. Taylor

Chairman of Corporate Governance, Audit and Standards Committee - Cllr P.J. Cullum

Chairman/Vice-Chairman of Policy and Project Advisory Board - T.B.A.

Conservative Group (2) - Cllr S. Trussler + T.B.A.

Labour Group (2) - Cllrs Gaynor Austin and K. Dibble

Liberal Democrat Group (1) - Cllr C.W. Card

**ii) Climate Change Working Group**

Climate Change Cabinet Champion - Cllr S.J. Masterson

Cabinet Member (1) - Cllr J.B. Canty

Chairman of Policy and Project Advisory Board - Cllr Marina Munro

Conservative Group (2) - T.B.A.

Labour Group (2) - Cllrs Jules Crossley and M.J. Roberts

Liberal Democrat Group (1) - Cllr C.W. Card

**iii) Member Development Group**

Democracy, Strategy and Partnerships Portfolio Holder - Cllr Sue Carter

Additional Cabinet Member (1) - T.B.A.

Conservative Group (2) - Cllr C.J. Stewart + T.B.A.

Labour Group (2) - Cllrs Nadia Martin and Sophie Porter

Liberal Democrat Group (1) - Cllr T.W. Mitchell

**iv) Strategic Housing and Local Plan Working Group**

Planning and Economy Portfolio Holder - Cllr A.R. Newell

Chairman of Development Management Committee - Cllr C.J. Stewart

Chairman/Vice-Chairman of Policy and Project Advisory Board - Cllr P.I.C. Crerar

Conservative Group (1) - T.B.A.

Labour Group (2) - Cllrs Sophie Porter and M.J. Roberts

Liberal Democrat Group (1) - Cllr C.W. Card

**v) Waste and Recycling Options Working Group**

Operational Services Portfolio Holder -	Cllr M.L. Sheehan
Chairman of Policy and Project Advisory Board -	Cllr Marina Munro
Conservative Group (2) -	T.B.A.
Labour Group (2) -	Cllrs Gaynor Austin and Sophie Porter
Liberal Democrat Group (1) -	Cllr C.W. Card

**vi) Union Yard Project Board**

Major Projects and Property Portfolio Holder -	Cllr M.J. Tennant
Corporate Services Portfolio Holder -	Cllr P.G. Taylor
Labour Group Leader -	Cllr Christine Guinness

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# CABINET

Meeting held on Tuesday, 26th April, 2022 at the Council Offices, Farnborough at 7.00 pm.

## Voting Members

Cllr D.E. Clifford, Leader of the Council  
Cllr K.H. Muschamp, Deputy Leader and Customer Experience and Improvement Portfolio Holder

Cllr Marina Munro, Planning and Economy Portfolio Holder  
Cllr A.R. Newell, Democracy, Strategy and Partnerships Portfolio Holder  
Cllr M.L. Sheehan, Operational Services Portfolio Holder  
Cllr P.G. Taylor, Corporate Services Portfolio Holder  
Cllr M.J. Tennant, Major Projects and Property Portfolio Holder

The Cabinet considered the following matters at the above-mentioned meeting. All executive decisions of the Cabinet shall become effective, subject to the call-in procedure, from **10th May, 2022**.

## 78. **DECLARATIONS OF INTEREST –**

Having regard to the Council's Code of Conduct for Councillors, no declarations of interest were made.

## 79. **MINUTES –**

The Minutes of the meeting of the Cabinet held on 15th March, 2022 were confirmed and signed by the Chairman.

## 80. **P3 REVENUE BUDGET AND CAPITAL PROGRAMME MONITORING DRAFT OUTTURN REPORT 2021/22 –**

(Cllr Paul Taylor, Corporate Services Portfolio Holder)

The Cabinet considered Report No. FIN2220, which set out the anticipated financial position for 2021/22, based on the monitoring exercise carried out with budget officers during March, 2022 and actual spend data from 1st April, 2021 to 28th February, 2022. Members were informed that the Covid-19 pandemic had continued to have a widespread impact on local authority budgets, particularly in relation to a significant loss of income from services and an uncertain income recovery during the current financial year. It was noted that the forecast variation of £0.392 million would be funded from reserves in the short term but that, with the Council committed to several significant projects, such as the Union Yard regeneration scheme, the future utilisation of reserves would need to be addressed in the Budget Strategy for 2023/24 to ensure balances and reserves would remain adequate. Members were informed that the achievement of the Savings Plan was integral to the Medium Term Financial Strategy forecast and would need to be reviewed in terms of savings profile and whether the savings could be delivered in the current economic climate.

**The Cabinet RESOLVED** that

- (i) the draft outturn report and anticipated financial position for the 2021/22 financial year, as set out in Report No. FIN2201, be noted, with regard to the risks highlighted within the Report, the latest revenue forecasts and the impact on reserve balances;
- (ii) the update on in-year savings achieved, as set out in Section 5 of the Report, be noted;
- (iii) the £250,000 assumed level carry forwards included in the draft outturn forecast for 2021/22 be noted, with a detailed list of budget carry forwards to be presented for approval by the Cabinet, along with the final outturn report for the year, subject to external audit;
- (iv) the addition to the Medium Term Financial Strategy Equalisation Reserve of any unspent budgets from 2021/22 that contributed positively to the Council's General Fund be approved, in order to contribute positively to the Council's financial stability; and
- (v) the latest Capital Programme position, as set out in Section 9 of the Report, be noted.

**81. SUPPORT FOR ENERGY BILLS - THE COUNCIL TAX REBATE 2022/23 –**  
(Cllr Paul Taylor, Corporate Services Portfolio Holder)

The Cabinet considered Report No. FIN2219, which set out the Council's Council Tax Rebate 2022/23, which was part of the Government's announced package of support known as the Energy Bills Rebate.

Members were informed that the Government had provided funding of £5,077,200 to allow households in the Borough in Council Tax bands A to D to receive a £150 non-repayable rebate. A further £134,550 had been provided to allow the Council to set up a discretionary fund which was required to be distributed by 30th November, 2022. The Cabinet was informed that residents that made Council Tax payments by direct debit had already received this rebate and that an exercise to seek bank account details for the remaining residents that paid by other methods was in progress. Members were informed that, in an amendment to the published recommendations in the Report, approved below as resolutions (ii) and (iii), authority would be delegated to either the Executive Director and Deputy Chief Executive or the Executive Head of Finance to carry out the actions listed.

**The Cabinet RESOLVED that**

- (i) the Council Tax Rebate Scheme, as set out in Report No. FIN2219, be noted and endorsed;
- (ii) the Executive Director and Deputy Chief Executive or the Executive Head of Finance, in consultation with the Corporate Services Portfolio Holder, be authorised to develop a discretionary Council Tax Rebate Scheme and associated policy and to make the necessary arrangements to assess eligibility and determine the award of funding to eligible households; and

- (iii) the Executive Director and Deputy Chief Executive or the Executive Head of Finance be authorised to make any further technical amendments to the Scheme where further Government advice is issued and to ensure that the Corporate Services Portfolio Holder is kept informed of any such amendments required.

82. **STRATEGIC ECONOMIC FRAMEWORK –**  
(Cllr Marina Munro, Planning and Economy Portfolio Holder)

The Cabinet considered Report No. EPSH2215, which set out the Council’s Strategic Economic Framework.

Members were informed that the purpose of the Framework was to help to grow the local economy and assist local businesses in recovering from the Coronavirus pandemic. It had been developed in consultation with key delivery partners and businesses. In discussing the document, the Cabinet expressed strong support for the approach taken in developing the Strategic Economic Framework. It was confirmed that areas of concern for Members, including local youth unemployment rates and local public transport services, were addressed in the Framework.

**The Cabinet RESOLVED** that the Strategic Economic Framework and Action Plan 2022 – 2025, as set out in Report No. EPSH2215, be approved.

83. **VOTE OF THANKS - CLLR K.H. MUSCHAMP –**

It was confirmed that Cllr K.H. Muschamp was standing down at the forthcoming Borough elections and the Cabinet wished to place on record its thanks for his excellent service to the Council and to the Cabinet, for many years as the Deputy Leader of the Council.

84. **EXCLUSION OF THE PUBLIC –**

**RESOLVED:** That, taking into account the public interest test, the public be excluded from the meeting during the discussion of the under mentioned item to avoid the disclosure of exempt information within the paragraph of Schedule 12A to the Local Government Act, 1972 indicated against the item:

<b>Minute No.</b>	<b>Schedule 12A Para. No.</b>	<b>Category</b>
85	3	Information relating to financial or business affairs

**THE FOLLOWING ITEM WAS CONSIDERED  
IN THE ABSENCE OF THE PUBLIC**

85. **NO. 168 HIGH STREET, GUILDFORD - INVESTMENT PROPERTY PORTFOLIO - AGREEMENT OF REVISED RENTAL OFFER –**  
(Cllr Martin Tennant, Major Projects and Property Portfolio Holder)

The Cabinet considered Exempt Report No. PETS2203, which set out details of a revised rental offer in relation to No. 168 High Street, Guildford, which was owned by the Council.

Members were informed that, following a difficult trading period, a series of discussions had taken place with the tenant of the property. The tenant had built up rent arrears since September, 2019. Officers had worked with Lambert Smith Hampton Investment Management (LSHIM), the Council's Asset Managers, and had negotiated a further revised rental offer that represented a good solution for both the tenant and the Council, considering the continuing difficult trading environment.

The Cabinet was supportive of the suggested approach and considered this to be the best available option.

**The Cabinet RESOLVED** that, in order to secure an income stream to the Council from 1st March, 2022 for the longest period possible, the package of changes to the existing lease, agreed in principle with the tenant and set out in the Summary and Recommendations box of Exempt Report No. PETS2203, and the associated budgetary adjustments resulting from the reduced rent, be approved.

The Meeting closed at 7.56 pm.

CLLR D.E. CLIFFORD, LEADER OF THE COUNCIL

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**CABINET  
7 JUNE 2022**

**COUNCILLOR SUE CARTER  
DEMOCRACY, STRATEGY AND PARTNERSHIP  
PORTFOLIO HOLDER  
REPORT NO. ACE2203**

**KEY DECISION? NO**

**COUNCIL BUSINESS PLAN & RISK REGISTER  
QUARTERLY UPDATE AND END OF YEAR 2021/22**

**SUMMARY AND RECOMMENDATIONS:**

This paper sets out the performance monitoring information of the Council Business Plan for the fourth and final quarter of 2021/22. There are 18 key projects within the Council Business Plan which aim to deliver the Council's nine priorities which sit under the themes of People and Place. In addition to the key projects this paper includes the Council Business Performance monitoring information, which is the key indicators and service measures used to monitor how the Council runs.

Factors that could affect the future delivery of the Council Business Plan and Council Business Performance have been identified in the Council's Risk Register.

This paper also includes the Council's Annual Report for 2021/22.

The Cabinet is asked to note the progress made towards delivering the Council Business Plan.

**1. Introduction**

- 1.1 In June 2021 the Council agreed the updated three-year Council Business Plan with nine priorities under the two themes of People and Place, which will help realise the vision for the borough (Your future, your place - a vision for Aldershot and Farnborough 2030). This paper sets out performance monitoring information for the Council Business Plan and the Risk Register for the period of January to March 2022. As it is the end of the 2021/22 financial year this paper also includes the Council's Annual Report for 2021/22.

**2. Detail**

- 2.1 The Council Business Plan is a three-year plan, which will deliver the Cabinet's nine priorities which are set out under the two themes of People and Place:

**People** –empowering and connecting communities and enabling people to live healthy and sustainable lives and fulfil their aspirations.

**Priorities:**

- We will help improve the health and wellbeing of residents
- We will encourage volunteering and help people become more connected with their communities
- We will help residents and businesses become more sustainable - including reducing waste, recycling more and making sustainable transport choices like cycling
- We will provide high quality services that meet the needs of all our residents and businesses and in ways that do not exclude anyone

**Place** – ensuring that our towns are family friendly, safe, vibrant, and sustainable places now and in the future.

**Priorities:**

- We will continue to drive forward the regeneration of Aldershot and Farnborough town centres
- We will maintain and develop excellent leisure and community facilities
- We will work to grow the local economy in a green and sustainable way
- We will make sure that all council-led projects are designed and delivered in a green and sustainable way
- We will make sure that there are enough homes and types of housing provided in Aldershot and Farnborough

### **3. Delivery of the Council Business Plan**

- 3.1 The Council Business Plan brings together the key projects across the Council including those that sit under the Property, Major Works & Regeneration Programmes and the Council's Savings and Transformation Programme (STP) which was previously known as the ICE Transformation Programme.
- 3.2 Annex A sets out the detailed progress this quarter against the key projects in the Council Business Plan at the end of quarter 4 (31<sup>st</sup> March). At this time 71% of live projects are on track and 29% have an amber status. No projects have a red status. This represents an improved position since the Q3 report in February 2022.
- 3.3 Annex B sets out the Council's Business Performance during quarter 4. The Council Business Performance monitoring information is the key indicators and service measures used by the Council to monitor how the Council runs. During Quarter 1 of 2022/23 services will be asked to review their performance data, to ensure the data is useful and relevant for the year ahead.
- 3.4 Annex C sets out the key achievements and summary of work the Council has carried out during 2021/22 in the Council's Annual Report.

## 4. Council's Risk Register

- 4.1 The Council's new arrangements for risk management have been in place now for their first full year, during which time the process has been embedded and formalised throughout the Council. Following internal review and audit a number of changes are due to be made to the current process, commencing in Q1 of 2022/23. These recognise that the new policy and approach has been successful, but also ensures that the Council continues to improve its arrangements and become more efficient in the delivery of risk management activity.
- 4.2 During 2022/23 work will focus more clearly defining corporate risk appetite and ensuring that risks are clearly linked to the Council's Business Plan. The current version of the Corporate Risk Register (v7.0) presented with this report (at Annex D) will be updated to include additional information, such as inherent and target risk.
- 4.3 The key strategic risks within v7.0 of the Corporate risk register continue to be related to the areas that the Council cannot directly influence, including wider community risks such as health outcomes and deteriorating economic conditions. There have been no additional risks identified in this section of the risk register or changes in risk rating, but there has been further development in the plans to mitigate them where possible in recognition of current events.
- 4.4 The Council's key standing corporate risks are generally more operational in nature and relate to the work of the Council. Again, although all updated, there have been no changes to this section of the register that need highlighting. It is worth noting however that there has been a reduction in the risk rating assigned to 'External Audit Opinion' given the significant amount of work that has taken place in this area over the course of 2021/22 to mitigate the risks identified.
- 4.5 One new risk has been identified in this part of the register, and that is the Council's 'PCI DSS Compliance'. This risk relates to the way in which a small number of financial transactions take place at Rushmoor and provides a summary of the actions proposed.
- 4.6 There are clear risks rapidly developing in the UK in relation to inflationary pressures and fuel cost rises. This is addressed and reflected in a number of areas of the risk register including within 'Management of external debt - Interest rate/refinancing risk and access to capital finance'. The Council is planning for these increased costs to ensure that the adverse effects can be mitigated appropriately. The Council will continue to watch the situation closely as it develops. It is also recognised that the risks to Rushmoor residents due to the increased cost of living may have an impact on the work of the Council, this will also be closely monitored.
- 4.7 Overall there are two fewer risks in the escalated service risks section of the register, with two entries removed due to the work carried out to mitigate their effects and the subsequent reduction in the residual risk ratings.

## **5. Conclusion**

- 5.1 Cabinet asked to note the progress made towards delivering the Council Business Plan during January to March 2022 and the risks identified within the Corporate Risk Register in May 2022.

**COUNCILLOR SUE CARTER**  
**DEMOCRACY, STRATEGY AND PARTNERSHIP PORTFOLIO HOLDER**

### **BACKGROUND DOCUMENTS:**

Council Business Plan April 2021 to March 2024

Annex A – Council Business Plan Quarterly Monitoring

Annex B – Council Business Performance

Annex C – Annual Report 2021/22

Annex D – Corporate Risk Register (May 2022)

### **CONTACT DETAILS:**

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

Roger Sanders, Corporate Risk Manager – 01252 398809,






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




**Council Business Plan Quarterly Monitoring – Q4 2021/22**





**Date produced: 8<sup>th</sup> April 2022**

<p><b>People</b> –empowering and connecting communities and enabling people to live healthy and sustainable lives and fulfil their aspirations.</p> <p><b>Priorities:</b></p> <ul style="list-style-type: none"> <li>• We will help improve the health and wellbeing of residents</li> <li>• We will encourage volunteering and help people become more connected with their communities</li> <li>• We will help residents and businesses become more sustainable - including reducing waste, recycling more and making sustainable transport choices like cycling</li> <li>• We will provide high quality services that meet the needs of all our residents and businesses and in ways that do not exclude anyone</li> </ul>	<p><b>Place</b> – ensuring that our towns are family friendly, safe, vibrant, and sustainable places now and in the future.</p> <p><b>Priorities:</b></p> <ul style="list-style-type: none"> <li>• We will continue to drive forward the regeneration of Aldershot and Farnborough town centres We will maintain and develop excellent leisure and community facilities</li> <li>• We will work to grow the local economy in a green and sustainable way</li> <li>• We will make sure that all council-led projects are designed and delivered in a green and sustainable way</li> <li>• We will make sure that there are enough homes and types of housing provided in Aldershot and Farnborough</li> </ul>
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People projects	BRAG	Direction of Travel	Comment
People 1 - The introduction of a food waste recycling service and helping residents reduce the amount of waste that they produce	Green	 No change	The collection of food waste during this quarter has continued to average over 60 tonnes per week. Planning and preparation for Phase 2 has taken place, with the roll out of the service completed to around 1,000 homes (there are 9,000 properties in Phase 2). Phase 2 will continue throughout 2022, however both Food Waste Recycling Advisors have resigned as of mid-April, so the focus will be on replacing that resource so that the roll out of Phase 2 is not delayed significantly.
People 2 - Enabling Food Partnerships and Food Hubs across Rushmoor in support of our communities	Green	 No change	The number of households visiting the store remains consistently high. Wider issues including fuel bills and mental health continue to be prevalent and discussions are ongoing to provide wider services on site. Recently approved

			funding from C4C will support the wider demand for support with utilities. Currently recruiting for a permanent store manager.
People 3 - New projects to support communities to recover from the pandemic. We will use a dedicated recovery fund established to support our most vulnerable residents	Green	 No change	Keep Well and Stay Connected has reached over 35 hard to reach individuals. Work is continuing with the Primary Care Networks and the Council has identified organisations such as the Vine to support the delivery of NHS Health Checks and reduce health inequalities with more vulnerable members of the community.
People 4 - Further develop our work to help people into work through training and upskilling with a particular focus on young people	Green	 No change	Launched North Hants Employment Skills Zone, delivering interactive website and fortnightly drop-in sessions at Karuna Coffee shop. These provide dedicated support service for 18 – 24. Still working closely with Apprenticeship hub and college to promote and support apprenticeships in key areas. Looking to run large event possibly in September. In March the Council also delivered a job fair in partnership with Princes Mead Shopping Centre. This was Attended by over 20 employers and training providers and saw an increase in 1000+ footfall to the town centre.
People 5 - Engaging widely across all of our communities, building capacity, connecting people and promoting equality, diversity and inclusion in all that we do.	Amber	 Decline	Whilst good progress has been made over the last 12 months, work to implement actions from the Equality and Diversity Action Plan has slowed over the course of the last quarter due to resource pressures, including responses to Afghan and Ukrainian resettlement. April 2022 will mark 12 months since the Cabinet agreed the Equalities and Diversity Action Plan and a review at this point will take place so that priorities for 2022/23 can be identified as part of service planning. The Equalities and Diversity Action Plan had envisaged a number of actions being underpinned by Census Data and it is estimated that the first census data will be published between May and June 2022.
People 6 - Working with Hampshire County Council to develop a walking and cycling implementation plan to encourage sustainable travel and to support town centre regeneration	Amber	 No change	The public consultation website for the Rushmoor Local Cycling and Walking Implementation Plan (LCWIP) should be up running at the end-of-May, beginning of June. The gathering and analysis the consultation results will begin at the end of the 6 weeks survey i.e. Mid-July, August. Completion is therefore now unlikely prior to 3rd Quarter or into 4th
People 7 - Improving facilities at Aldershot Crematorium	Green	 No change	The feasibility report has been received which confirms that a new build is not viable elsewhere on the existing site so explores a range of refurbishment /extension options. Further work is required to explore build-up of construction costs and overall business case position.

People 8 - New projects to support health and wellbeing, in line with our Supporting Communities Strategy. Projects will include a repair café, men's shed project and the 'You Can Do It' campaign to encourage residents to get out and about and get active	Green	 No change	Funding secured for delivery of community garden co-ordinator. Wellness walks being developed in Farnborough. RBC supporting Be Healthy, Be You programme aimed at increasing physical activity and promoting improved healthy eating and weight loss.
People 9 - Communicating and engaging with residents in a variety of ways including introducing a new website and increasing the take up of online services.	Green	 Improvement	The website project has remained on track, with the new website successfully launched on 10 May 2022.
People 10 - Working with partner organisations to deliver projects to tackle health inequalities in the Borough, especially in our more deprived areas	Green	 No change	Funding secured for delivery of community garden co-ordinator in partnership with RVS. Wellness walks being developed in Farnborough. RBC supporting Be Healthy, Be You programme aimed at increasing physical activity and promoting improved healthy eating and weight loss. Strategic 'Whole systems approach to Obesity' being developed with Public Health to tackle high obesity levels across the borough
<b>Place projects</b>	<b>BRAG</b>	<b>Direction of Travel</b>	<b>Comment</b>
Place 1 - Aldershot town centre's Union Yard regeneration scheme	Amber	 No change	Works underway to address party wall structure (35 – 39 High Street). Internal propping works completed and external works commenced w/c 07/03/2022. Timescales of approx. 9 - 12 weeks to conclude the works which will represent a delay to the contract programme and a consequential increase in budget. The Council is working Hill Partnerships Ltd to minimise this delay and mitigate additional costs as far as possible. Cabinet approved, in principle, the disposal of the 82 private units to Rushmoor Homes subject to further due diligence.
Place 2 - Civic Quarter regeneration scheme in Farnborough  Place 3 - New leisure offer for Rushmoor, including plans for a new leisure centre for Farnborough	Green	 Improvement	<ul style="list-style-type: none"> <li>• Developing a detailed business case prior to approval to proceed with design development.</li> <li>• Additional funding for next phase of delivery approved by Cabinet in March 2022.</li> <li>• Demolition is in progress and additional funding has been approved by Cabinet including further contingency for further asbestos finds should they occur.</li> </ul>

Place 4 - Develop the environment and facilities at Southwood Country Park, including a new visitor centre	Green	 Improvement	Construction activity has continued and remains on schedule with the grass roof implementation to begin early May. Currently tracking within agreed budget. No major issues raised to date, albeit the windows, which were scheduled to arrive in April are now due mid-May so this will delay handover to Barons. Hampshire County Council are currently reviewing the crossing proposals, but formal response has not yet been received. The proposed playground and dog training area are in pre-app planning stage. Procurement activity has commenced using a standard framework approach with responses due end April.
Place 5 - Creating 57 new homes for private rent through Rushmoor Homes	Amber	 No change	The Business Plan for 22/23 to 27/28 was agreed by Council in February. The company is continuing to progress a number of schemes. The transfer of 12 Arthur St to the company was completed at the end of March and 2 of the 3 properties were let immediately with the final one due to be let in the first week of April.
Place 6 - Taking actions to bring forward the redevelopment of Block 3 of the Meads as part of the wider regeneration of Farnborough town centre		N/A	Discussions continue to identify and agree a way forward for this site and how it can contribute to the wider Farnborough Town Centre.
Place 7 -Development of an aerospace heritage project with the County Council and key partners	Amber	 No change	An Aerospace Heritage Trail is under development which is targeted at the airshow. A range of options being explored to bring forward the main project given the issues within the sector
Place 8 - Working alongside Farnborough College of Technology's new Aerospace Research and Innovation Centre to support the aerospace industry through apprenticeship, research and innovation opportunities	Green	 No change	Farnborough Aerospace Consortium (FAC) will be moving from the council offices to ARIC in April 2022. This is an opportunity to promote ARIC to FAC's members and open the facility up to the wider business community. FAC events are being planned at ARIC. RBC are encouraging FAC's use of ARIC as a way to increase the visibility of the building to businesses and promote linkages between businesses and the college. RBC, FCoT and FAC will be coordinating their presence at Farnborough International Airshow 2022 and this includes promoting ARIC.



# Council Business Performance

Quarter 4 2021/22

## Points to note

- Covid has continues to affect some of the Council's key income streams over the past year. However, income from some key income streams has been better than expected.
- Target of 450 affordable homes completed in the past three years has been achieved
- The recycling rates shown are one quarter behind and the figure for Q3 is 40.8%, this figure is much higher than the previous quarter and the same quarter last year. Also, the amount of residual waste collected per household has dropped during Q3.
- Due to the increased workload of Customer Services the number of customer contacts via all access channels has increased, this has had a negative impact on call wait time and call abandoned rate.
- Council Tax collection rate has increased significantly due to resources being utilised to work on the recovery side of council tax and we are now almost back to pre-Covid collection rates
- Staff turnover has increased
- The last lockdown due to the pandemic was during Q4 2020/21, so some indicator comparison with this time last year should return to normal (or their new normal) from now on.

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### Key to Direction of Travel (DoT) arrows

Numbers have increased	Numbers have decreased	Numbers have increased and performance has decreased	Numbers have increased and performance has increased	Numbers have decreased and performance has decreased	Numbers have decreased and performance has increased
					

### Council wide indicators

#### Corporate complaints

Number of complaints				% of complaints responded within policy time			
<b>7</b>				<b>29%</b>			
DoT from last quarter (4)		DoT from this quarter last year (1)		DoT from last quarter (25%)		DoT from this quarter last year (0%)	
<p>Comment: Two out seven complaints responded within the timescale of the policy. It is not known if the other three complaints have been responded within the policy timescales.</p> <p>Overall, there have been 24 complaints in 2021/22. The service managers passed the most complaints to resolve were the service manager for Place (5 complaints) and the service manager for Housing (also 5 complaints). The largest three themes of the complaints were: issues with officers, either treatment by officers or conduct of officers (7 complaints), lack of responses/communication (5 complaints) and three complaints were planning application related.</p>							

#### Key income streams

The table below shows the income recorded on the Council's financial system for the 2021/22. Please note that these figures are subject to revision as part of the accounting arrangements for the end of the financial year. In some cases, income may be moved from one financial year to another (for example - invoices may have been raised in March 2022 for rental income relating to the period April to June 2022).

Key income stream	Original Budget 2021/22	Amount in 2021/22	% of budget in 2021/22	Head of Service assessment of position (RAG)	Comment
Buildings	2,268,670	2,634,488	116%	Green	Income shown for Investment Properties/Buildings reflects the amount invoiced to tenants during the financial year and shows the underlying rental income generated from investment properties and buildings. The net income received for the year is subject to accounting adjustments in respect of accruals and impairment and any outstanding debt. Given the challenging market and legislative protection for tenants is likely to be lower than the amounts shown in the table
Investment Properties	4,754,200	4,245,827	89%	Amber	
Princes Hall	714,000	757,947	106%	Green	Whilst pantomime sales were around 20% down due to the Omicron variant, income has been received from hosting a Vaccination Centre and from the Culture Recovery Fund grant
Building Control fees	220,500	247,271	112%	Green	Building Control fees continue to perform well with the Council maintaining its share of the market through excellent customer service.
Land Charges	100,000	112,989	113%	Green	
Car Parks	1,001,650	981,836	98%	Red	Although the figure is showing at 98% is it expected that after end of year adjustments (for example some of the income showing is for 2022/23 parking permits), the figure will be around 92% hence the red status. In 2021/22 there was a shortfall in PCN income due to reduction in car park usage and staff vacancies
On-Street Parking	782,500	680,494	87%	Red	Shortfall in PCN income due to reduction in on-street parking usage and staff vacancies
Crematorium	1,618,760	1,369,951	85%	Red	Cremations income ran 20% down for first seven months of the year but did pick up during Q3 & Q4. The downturn being addressed with recent chapel makeover and commission of feasibility study.
Planning fees	348,000	339,316	98%	Green	The drop off in larger applications towards the end of the year apart from the Civic Quarter which as an outline is relatively low value meant the Planning Fees were marginally below target.

Markets and car boot sales	117,000	107,370	92%	Amber	Markets and car boots are still recovering from the effects of lockdown. Efforts are being made to increase the number of traders and improve what is on offer to the public. The car boot sale struggles to compete with larger outdoor competitors.
Green Waste	463,000	542,585	117%	Green	Demand was higher than predicted in 2021/22
Bulky Waste	68,400	118,149	173%	Green	Demand was higher than predicted in 2021/22
Hackney Carriage - Vehicle and Driver Licence	61,210	80,595	132%	Green	
Cemeteries	172,230	212,008	123%	Green	Demand for grave sales fluctuates year on year, and in 2021/22 was significantly above average.
<b>TOTAL</b>	<b>12,690,120</b>	<b>12,430,830</b>	<b>98%</b>		
<b>Comment:</b>					

### Health and safety

Violence at work data - incidents				Rushmoor work related accident / incident data			
<b>12</b>				<b>0</b>			
DoT from last quarter (6)	↑	DoT from this quarter last year (5)	↑	DoT from last quarter (3)	↓	DoT from this quarter last year (0)	↔

### Absence rate

Working days lost due to sickness per FTE			Working days lost to short-term sickness per FTE		
<b>1.46</b>			<b>0.79</b>		
DoT from last quarter	↓	DoT from this quarter last year	↓	DoT from last quarter	↑
				DoT from this quarter last year	↑

**Comment:** There were 58 sickness episode in Q4 and 365 working days lost. The most common reason for sickness episodes was Covid and the most common reason for days lost was anxiety, stress and depression.

**Note:** Long term sickness is 20 days or more in a row (four weeks)

### Workforce data

Starters and leavers		Turnover				% of employees non-white (15.2% non-white groups in 2011 Census)			
Starters	<b>12</b>	<b>6.41%</b> (End of year figure 15.88%)				<b>5.7%</b>			
Leavers	<b>18</b>	DoT from last quarter <b>(2.79%)</b>	<b>↑</b>	DoT from this quarter last year <b>(1.74%)</b>	<b>↑</b>	DoT from last quarter <b>(5.6%)</b>	<b>↑</b>	DoT from this quarter last year	n/a
Comment: Staff turnover has increased this quarter with 18 members of staff leaving, this is partly due to quite a few Fixed Term Contracts coming to an end on 31/03/2022									

### Paying externally issued invoices

% of invoices paid on time (within 30 days)	DoT from last quarter		DoT from this quarter last year	
<b>94.56%</b>	<b>↓</b>	<b>(98.62%)</b>	<b>↓</b>	<b>(97.27%)</b>

### Freedom of information requests


Number of requests received				% responded to on time (one month behind)			
<b>166</b>				<b>71%</b>			
DoT from last quarter <b>(141)</b>	<b>↑</b>	DoT from this quarter last year <b>(156)</b>	<b>↑</b>	DoT from last quarter <b>(76%)</b>	<b>↓</b>	DoT from this quarter last year <b>(82%)</b>	<b>↓</b>
Comment: A total of 588 Freedom of information requests in 2021/2022							

## Corporate customer contact indicators







### Overall digital uptake

% of transactions through digital services versus other channels	DoT from last quarter		DoT from this quarter last year	
<b>67%</b>	<b>↓</b>	<b>(76%)</b>	<b>↑</b>	<b>(65%)</b>
Comment: There is a dip in digital uptake during Q4. This is because there is lower demand during Oct-Mar for the service with the highest overall demand and 2 <sup>nd</sup> highest digital uptake - Garden Waste. However, during Q3 there is addition demand for the Christmas Tree service, so the dip is only seen in Q4.				






### Walk-in customers

Number of walk-in customers				Comment: During Q4, 2960 customers turned up at reception, this is up slightly from Q3 (2182) , 19% presented with a non Rushmoor enquiry, looking for service with Citizens Advice, Hampshire County Council or other authorities. 13% were collecting or dropping off paperwork. A further 17% were corporate visitors attending meeting, interviews, welcoming new starters or arriving contractors (this is up from 13% in Q3). 1512 customers were actively seeking service from the Council, the highest services being benefits, housing and Council Tax
<b>2,960</b>				
DoT from last quarter (2,182)		DoT from this quarter last year (Reception was closed)	N/A	



### Calls to customer services

Number of calls				Average wait time				Call abandoned rate			
<b>18,044</b>				<b>50 seconds</b>				<b>4.1%</b>			
DoT from last quarter (15,604)		DoT from this quarter last year (13,025)		DoT from last quarter (30 seconds)		DoT from this quarter last year (33 seconds)		DoT from last quarter (2.6%)		DoT from this quarter last year (2.8%)	
Comment: In the last quarter, the Customer Services have answered 17,308 calls. This is an increase of 42% on the same period this year (during Q4 last year it was particularly quiet as we were in a lockdown). Over past year work has moved into customer services, such as noise and further council tax calls. Also, in Q4 this year there was a two-week trial of Customer Services taking housing calls.											

### Demand via other access channels

Number of emails				Number of enquires via app				Number of enquires via webforms			
<b>5,351</b>				<b>1,281</b>				<b>1,183</b>			
DoT from last quarter (5,333)		DoT from this quarter last year (2,856)		DoT from last quarter (870)		DoT from this quarter last year (1,331)		DoT from last quarter (903)		DoT from this quarter last year	n/a
Comment: Of the web forms 1,098 were for Council Tax and 85 were for Environmental Health noise and smoke											

### Website

Website visits				Top three pages visited			
<b>135,466</b>				<ol style="list-style-type: none"> <li>1. Bin collections (16,230)</li> <li>2. Council tax (7,850)</li> <li>3. Crematorium diary (7,847)</li> </ol>			
DoT from last quarter (203,783)		DoT from this quarter last year (241,323)					
Comment: We have had a reduction in the number of sessions reported on our website. This reduction started this past December and is related to the work we have done to comply with the <a href="#">Privacy and Electronic Communications Regulations</a> . These regulations mean that we needed to be clearer to our customers about what cookies are being set on our website and allow our customers to 'opt-in' to be able to share their usage statistics. We are currently monitoring how much this is affecting the statistics we provide and we will look to update these graphs in the future and for the new website.							

## Social media



## Print media

Press releases				Media enquires			
<b>13</b>				<b>11</b>			
DoT from last quarter (12)	↑	DoT from this quarter last year (9)	↑	DoT from last quarter (22)	↓	DoT from this quarter last year (28)	↓

## Key Service Indicators





### Penalty Charge Notices (PCNs)

Number issued				Number cancelled				Number paid			
<b>2,756</b>				<b>260</b>				<b>2,190</b>			
DoT from last quarter (2,666)	↑	DoT from this quarter last year (1,868)	↑	DoT from last quarter (160)	↑	DoT from this quarter last year (155)	↑	DoT from last quarter (2,181)	↑	DoT from this quarter last year (1,706)	↑
Comment: During Q4 last year there was a lockdown due to the pandemic.											







### Fixed Penalty Charge Notices (FPN's) Issued by East Hants District Council for litter and dog fouling

Number issued				Number cancelled				Number paid			
<b>186</b>				<b>14</b>				<b>86</b>			
DoT from last quarter (263)	↓	DoT from this quarter last year	n/a	DoT from last quarter (18)	↓	DoT from this quarter last year	n/a	DoT from last quarter (162)	↓	DoT from this quarter last year	n/a
Comment: Currently have 14 as cancelled but this is likely to increase to 18 and we have 86 as paid which is likely to increase to 135. During Q4 last year there was a lockdown due to the pandemic.											







**Fixed Penalty Charge Notices (FPN's) issued by CPOs for fly-tips and abandoned vehicles**

Number issued				Number cancelled				Number paid			
<b>31</b>				<b>25</b>				<b>6</b>			
DoT from last quarter (19)		DoT from this quarter last year (7)		DoT from last quarter (11)		DoT from this quarter last year	n/a	DoT from last quarter (8)		DoT from this quarter last year	n/a
Comment:											







**Waste and recycling**

Number of missed bins				Recycling rates - % reused, recycled and composted (one quarter behind)				Residual waste – kg per household (one quarter behind)			
<b>124</b>				<b>40.8%</b>				<b>113.44</b>			
DoT from last quarter (213)		DoT from this quarter last year (146)		DoT from last quarter (33.1%)		DoT from this quarter last year (31.2%)		DoT from last quarter (144.42)		DoT from this quarter last year (144.36)	
Comment: The recycling rates shown are one quarter behind and the figure for Q3 is 40.8%, this figure is much higher than the previous quarter and the same quarter last year. During Q3 alternate weekly collection of general waste and weekly food waste collection started. Also, the amount of residual waste collected per household has dropped in Q3.											

**Homelessness**

Number of Homelessness enquires				Number placed in B&Bs				B&B costs - gross			
<b>215</b>				<b>33</b>				<b>£48,226 estimate</b>			
DoT from last quarter (216)		DoT from this quarter last year (116)		DoT from last quarter (25)		DoT from this quarter last year (41)		DoT from last quarter (£59,998)		DoT from this quarter last year (£56,659)	

**Housing Allocation Pool**

Number added to pool this quarter				Number housed this quarter				Total number in the Housing Allocation pool			
<b>91</b>				<b>82</b>				<b>1,524</b>			
DoT from last quarter (69)		DoT from this quarter last year (114)		DoT from last quarter (72)		DoT from this quarter last year (72)		DoT from last quarter (1,518)		DoT from this quarter last year (1,421)	
Comment: 82 housed (a further 50 properties have nominations but not yet housed)											



### Taxation

% of Council Tax collected				% of Business Rates collected			
<b>97.80%</b>				<b>98.5%</b>			
DoT from last quarter (93.85%)	↑	DoT from this quarter last year (97.51%)	↑	DoT from last quarter (91.12%)	↑	DoT from this quarter last year (104.03%)	↓
Comment: Collection rate has increased significantly due to resources being utilised to work on the recovery side of council tax and we are now almost back to pre-Covid collection rates. End of year figure is 97.89%				Comment: Collection on Business Rates have been volatile during the year, but the team have been working hard to collect payments to achieve this figure & we are now back to the position we were in pre-Covid. End of year figure is 98.5%			

### Benefits

Number of new claims – 552 in Quarter 4							
<p>The chart displays the number of new claims over eight quarters. The orange line (Council Tax Support Only) starts at approximately 380 in Q1 2020/21, drops to 220 in Q2, rises to 480 in Q3 and Q4, then drops to 280 in Q1 2021/22, rises to 380 in Q2, and ends at 320 in Q4. The blue line (Housing Benefit Only) starts at 50, rises to 100 in Q4 2020/21, stays at 100 in Q1 2021/22, rises to 150 in Q2, and ends at 180 in Q4. The grey line (combined HB &amp; CTS cases) starts at 50, rises to 100 in Q4 2020/21, stays at 100 in Q1 2021/22, rises to 150 in Q2, and ends at 170 in Q4.</p>							
Average number of days to process new claims				Total benefit caseload			
This data is obtained from Gov UK, & the data for Q3 or Q4 is not yet available Estimate 4-5 days				<b>5,989</b>			
DoT from last quarter	n/a	DoT from this quarter last year (6 days)	n/a	DoT from last quarter (6,090)	↓	DoT from this quarter last year (6,305)	↓
Comment: There has been a decrease of 316 claims in the past year (5%). The number of residents claiming CTS only has decreased by 38 from December 21 (10.4%), the number of residents claiming HB only has increased by 160 from December 21 (103%) – this increase is due to more applications from pensioners and supported/exempt accommodation residents.							

### Gross affordable housing completions

Number of completions this quarter (target 450 completions over any three year period)	
<b>66</b> (end of year figure 174) (three year figure 465)	
Comment: Target achieved	

### Planning applications

Number of planning applications this quarter				Major and small scale major Applications determined within 13 weeks (target 60%)	Minor (Non householder) Applications determined within 8 weeks (target 65%)	‘Other’ (Including Householder) Applications determined within 8 weeks (target 80%)
<b>260</b>						
DoT from last quarter (281)	↓	DoT from this quarter last year (244)	↑	100%	95%*	90.4%
Comment: *6 of 21 cases were determined outside the statutory period but were subject to agreed extensions of time and therefore recorded as in time.						

### Planning Appeals

Number of planning appeals	Number of appeals allowed	% of appeals allowed (target 40%)
<b>5</b>	<b>2</b> (4 decision this quarter)	<b>50%</b> (End of year figure 54.5%)
Details of Planning appeals allowed: Four appeal decisions were issued in the quarter, one in relation to a residential extension and one in respect of opening hours of a drive through restaurant, were allowed. For the year therefore the government target of 40% has been exceeded however this represents a small number of decisions (11 in total) of which 6 were allowed.		

### Electoral Registration

% of registered properties (properties minus ‘true’ voids)	DoT from last quarter	DoT from this quarter last year
<b>87.4%</b>	↓ (88%)	↑ (88.5% - January)

## Rushmoor Borough Council annual report 2021/22





















**People** - empowering and connecting communities and enabling people to live healthy and sustainable lives and fulfil their aspirations.



- In one of the biggest ever changes to our recycling service, we launched our new weekly food waste recycling service to homes in Aldershot and Farnborough, increasing our overall recycling rate, and also moved to fortnightly rubbish collections
- We set up a new community food store in Aldershot, run by a collective of people, organisations and businesses in and around Aldershot and Farnborough, who care about offering food support to those in need in a supportive way, whilst also reducing food waste
- During the pandemic and subsequent lock down we worked with others, including local doctors, health staff and Rushmoor Voluntary Services (RVS), to run vaccination clinics and testing sites. We continued working with Hampshire County Council and RVS to support those struggling, or being forced to self-isolate
- We once more successfully helped organise the Farnborough Winter Half Marathon, which was back to its traditional date in late January. More than 1,200 runners took part
- We launched six new heritage trails, giving residents and visitors to Aldershot the chance to find out all about the town's rich history through downloading a mobile app
- In partnership with Hart and Basingstoke and Deane councils, we successfully launched the North Hants Employment Skills Zone, a new employment support service targeting 18–24-year-olds. The service, consisting of drop in events and a website, aims to help young people disadvantaged by the impact of covid, find and maintain employment
- A sculpture celebrating the bravery of the first Gurkha VC recipient, First World War soldier, Kulbir Thapa, was unveiled in Princes Gardens, Aldershot
- We joined forces with five other local authorities to buy the much-loved Tice's Meadow nature reserve to protect it for future community use

## Place - ensuring that our towns are family friendly, safe, vibrant, and sustainable places now and in the future

- Following demolition and on-site clearance lasting several months, the council began construction work on the new £40 million Union Yard development in Aldershot town centre
- We began demolition work on Farnborough Leisure Centre shortly before Christmas, looking to complete by the end of the summer
- After consulting with local schools, groups and residents, we designed and built a new playground at Blunden Road in Farnborough
- Following a two-year absence because of the pandemic, we spent more than £100,000 on getting Aldershot Lido ready, including laying new Astro Turf around the poolside, installing a replacement water circulation pump and repairing the pool tank, in time for a summer opening
- We invited local people to give their views to help shape the future of Southwood Country Park in a public consultation on our plans, held over four weeks in October and November. We successfully obtained planning permission for a new visitor centre and café in December and began building work early in the new year
- Our Cabinet agreed to commission a feasibility study and business case for investment options to improve and modernise Aldershot Crematorium, including the option of a major refurbishment, or a new building
- The Princes Hall pantomime 'Dick Whittington' was met with excellent reviews from customers and critics alike with around 16,000 people attending over the three-week period
- Work began on the redevelopment of The Galleries, with the removal of the link bridge in Wellington Street and contractors also begun stripping out the interior of the former shopping centre.
- We awarded more than £9.3 million worth of rate relief to more than 600 businesses in Aldershot and Farnborough to help support them through the pandemic
- We held a public consultation on plans to introduce a new Public Space Protection Order (PSPO) in Aldershot town centre, which if approved, would give the council and the police a stronger hand in tackling antisocial behaviour.

Also in 2021/22 we...

 <p>Enable 23,206 people to vote in the elections on the 6<sup>th</sup> May 2021</p>	 <p>Received 985 homelessness enquires</p>	 <p>Housed 291 households through the Allocation Pool</p>	 <p>Customer services received 64,695 phone calls</p>
 <p>There were 838,635 visits to our website</p>	 <p>Received 588 Freedom of information requests</p>	 <p>12 members of staff completed the Councils Leadership Programme</p>	 <p>Customer services received 17,450 emails</p>
 <p>There were 3,035 social media posts/tweets/stories</p>	 <p>Supported over 6,000 households with the benefits we issue</p>	 <p>Received 1,071 planning applications</p>	 <p>Maintained 180 commercial and community properties</p>
 <p>Issued 12,135 Penalty Charge Notices</p>	 <p>174 affordable homes completed</p>	 <p>Collected 97.9% of Council Tax</p>	 <p>Collected 33,470 tonnes of waste (estimated)</p>
 <p>Issued 87 Fixed Penalty Notices for fly-tips and abandoned vehicles</p>	 <p>Issued 840 Fixed Penalty Notices for litter and dog fouling</p>	 <p>Collected 98.5% of Business Rates</p>	 <p>After the introduction of food waste collection, 42% of waste is now reused, recycled and composted</p>

 And supported 61 ducklings that hatched in the Council Offices court yards 



# Rushmoor Borough Council

## Corporate Risk Register

### V7.0 18/05/2022 (Cabinet)

# Part 1: Strategic Risks (ST)

## Total 8 Risks (+/-0)

These risks will tend to be long term in nature and are likely to be outside the direct control of the Council, for example the local economy, employment or obesity levels.



Risk Title	Suitable for Public Register Y / N	Risk Type: Service (S) Escalated Service (ES) Standing Corp. (SC) Strategic (ST)	Risk Owner	Risk Description & Potential Outcomes (reasonable worst-case scenario)	Existing Controls / Mitigation	Additional Mitigation Planned – including Timelines/Deadlines	Risk Score		Risk Category / RAG Rating & Rating Change
							L	S	
<b>Securing infrastructure investment</b>	Y	ST	KE	<p>Inability to attract infrastructure investment through the public and private sector to support priorities and projects identified in the Council Business Plan.</p> <p>In particular, failure to secure investment in the area could lead to a decrease in Rushmoor’s competitiveness and attractiveness and put at risk the stated aim for a “thriving Rushmoor economy, vibrant town centres and strong communities who are proud of the area”</p>	<p>Work with public and private sector infrastructure providers and funders.</p> <p>Horizon scanning in relation to the levelling up agenda and its implications for Rushmoor.</p> <p>Horizon scanning by Policy Team for future funding opportunities</p>	<p>Engage effectively with the ‘County Deal’ processes and other opportunities to access Government funding, including UK Shared Prosperity Fund and the Levelling Up Fund (Q1 2022/23)</p> <p>Continue to secure support from local stakeholders for projects - including residents, HCC and MP.</p>	2	4	↔ <b>High</b>
<b>Substantial decline in the retail sector/town centre uses and subsequent impact on town centres</b>	Y	ST	TM	<p>Economic and social changes have a significant negative impact on Farnborough and Aldershot Town Centres and therefore reduce the ability to deliver the Council Plan priority of delivering vibrant town centres.</p> <p>This could result in empty retail units, a loss of facilities and amenities for residents and a possible increase in crime and anti-social behaviour.</p> <p>A decline in retail will also have an impact on Business Rates income for the Council.</p> <p>Changes to Permitted Development undermine Town Centre regeneration</p>	<p>Programmes of town centre regeneration in both Aldershot and Farnborough which give consideration to future economic and social trends.</p> <p>Dedicated resource within economy team, working with retail sector and other town centre uses.</p> <p>Delivery of activity in both Town Centres to maintain/increase footfall</p>	<p>Review of engagement with and ongoing provision of business support to Town Centre businesses</p> <p>Article 4 directions to be confirmed once no intervention from SofS seems apparent</p>	3	2	↔ <b>Medium</b>

Demographic change	Y	ST	RB	<p>Changes in Rushmoor's demography could impact on services required or expected by residents as well as how they engage with the economy or society more generally. Any sudden shifts in demography may not be visible to the Council for a period of time which could result in services not being delivered effectively or efficiently and could impact on the Council's ability to deliver its aim of having strong communities who are proud of their area.</p>	<p>Community engagement work may identify some changes ahead of them being reported in data sets. Review and analyse publicly available datasets, alongside those held by the Council. Work with partners to understand trends that exist at a larger geography and potential implications (e.g. aging populations)</p>	<p>Review census information and share widely across the Council and with partners so that trends and their implications are understood – May – July 2022.</p>	3	2	<p>↔ Medium</p>
Deteriorating economic conditions	Y	ST	TM	<p>Adverse changes to the economy could result in the loss of major employers within the Borough and/or impacts on particular sectors of the economy. This could result in increasing levels of unemployment and higher levels of deprivation and inequality. Impact of supply chain issues, mismatch of labour supply and fuel shortages have slowed growth and are limiting the strength of the recovery. Energy price rises and potential inflationary pressures are also possible headwinds to economic growth. Changes of this nature have potential implications for the Council in terms of increased demand for services and adverse financial impact. There is also a reputational risk if the Council is not seen to be adequately responding to economic changes or shocks.</p>	<p>Partnership working with other organisations around support for the economy and local businesses. Engagement with Ward Councillors. Maintaining an understanding of local economic conditions – tracking economic indicators at a local level. Ensuring that key issues/events are escalated to CMT/ELT at the appropriate time. Ensuring that relevant Government support for business is distributed as swiftly as possible Strategic Economic Framework developed with Action Plan for approval Informal Cabinet – August 21 Consultation Nov – Dec 21 Cabinet April 22</p>	<p>Completion of current Business Support processes August 2022 and procurement of revised package of Business Support September 2022 onwards</p> <p>Consideration of best approach to Business Support element of SPF as part of development of Investment Plan</p>	3	2	<p>↔ Medium</p>

<p><b>Educational Attainment Secondary schools</b></p>	<p>Y</p>	<p>ST</p>	<p>AC</p>	<p>Educational attainment at secondary education level continues to present challenges. This may have an impact on deprivation, unemployment etc. Impact on the area's local reputation. May impact on service demand.</p>	<p>HCC responsible for Education. RBC supporting role - Priorities set out in the Supporting Communities Action Plan – focus on increasing aspirations.</p> <p>Joint work on supporting families with Hampshire Children's Services</p> <p>Educational Improvement Group established under the Overview and Scrutiny Committee</p>	<p>Ongoing dialogue with headteachers of key educational establishments e.g. Farnborough 6th Form.</p> <p>Engaging with young people relating to skills, development and opportunities.</p>	<p>3</p>	<p>2</p>	<p>↔ Medium</p>
<p><b>Poor Health Outcomes within Borough (e.g. obesity, mental health etc)</b></p>	<p>Y</p>	<p>ST</p>	<p>AC</p>	<p>Rushmoor has areas where there are health inequalities and health deprivation. Additional stress and burden on local services – including partner agencies.</p> <p>Aging population. Areas of deprivation have poorer health outcomes and higher demands associated.</p> <p>Diabetes, highest smoking rate in Hampshire, high instance of obesity and inactive adults.</p> <p>Mental Health and wellbeing – lack of funding available at local level to address.</p>	<p>Supporting Communities Strategy and Action Plan adopted</p> <p>Joint working with partners, particularly with the CCG, HCC, with a range of initiatives and plans in place.</p> <p>Projects to increase activity and inclusion in the Borough.</p> <p>CPE response group established.</p> <p>New recovery and service structure to be put in place.</p>	<p>Review approach to resourcing (in conjunction with partners, in particular the CCG and HCC) and then overall approach to delivering the Council's ambitions – to assess resources etc..</p> <p>(EL/AC – underway)</p> <p>Development of long-term plans</p> <p>(EL/TM – 2021/22)</p> <p>Programme of mental and physical health support to be developed for 2021 - EL.</p> <p>Focus on Healthy lifestyles – linked to deprivation and work of the food partnership.</p> <p>2021/22</p>	<p>3</p>	<p>2</p>	<p>↔ Medium</p>

<p>Financial sustainability of public sector partners</p>	<p>Y</p>	<p>ST</p>	<p>PS</p>	<p>The financial sustainability of a wide group of public sector partners is negatively impacted, resulting in reduced service provision by all. In this scenario, the range and quality of services available to residents could be affected.</p> <p>This could have negative repercussions for health, education, community outcomes and economic identified in the Council Business Plan</p> <p>It is possible that the Council would be expected to meet some of this 'gap' in provision thus exposing the Council to potential financial and reputational risk.</p>	<p>Close partnership working at a senior officer and political level with the Council's public sector partners.</p> <p>Members and Officers are well briefed on potential implications/risks arising from decisions taken by other public sector partners</p>		<p>2</p>	<p>3</p>	<p>↔ Medium</p>
<p>Changing external policy context which could arise as a result of levelling up approach or devolution or other unforeseen reasons.</p>	<p>Y</p>	<p>ST</p>	<p>RB</p>	<p>Significant fast track change which can have significant impact on services, levels of available resources or the Council's financial position all of which could adversely impact on the Council's ability to deliver its priorities.</p> <p>The long-term picture with regard to recovery remains uncertain.</p> <p>Reputational risk if the Council is unable to sufficiently adapt to the changing environment.</p>	<p>Service level risk assessments to consider impacts of potential policy changes on individual Council services.</p> <p>Policy and Communications service to support ELT and CMT with 'horizon scanning' which will assist the Council in identifying and where possible responding to some changes.</p> <p>Inflationary and cost of living pressures reflected in service risk registers</p>		<p>3</p>	<p>2</p>	<p>↔ Medium</p>

## **Part 2: Standing Corporate Risks (SC)**

### **Total 16 Risks (+1)**

Although the Corporate response to these risks may be managed by a single Service, they will be cross cutting and long term in nature. Standing Corporate risks will tend to remain on the Corporate Risk Register for longer periods of time, if not indefinitely. Examples of these may be the Council's financial position or compliance with data protection legislation, both of which have a wide impact and involvement from across the Council, but are generally overseen or managed by one service.

Standing Corporate risks, impacting more than one Service, will normally be managed by one Service with the expertise required, but if not they will be assigned to one single risk owner as the lead. This is for practical purposes to avoid duplication and ensure that they are managed overall by a single point of contact. Although the day-to-day management of the risk itself may not fall entirely upon that risk owner, they will be responsible for collating and updating CMT and the risk register entry on behalf of the Council.

Risk Title	Suitable for Public Register Y/N	Risk Type: Service (S) Escalated Service (ES) Standing Corp. (SC) Strategic (ST)	Risk Owner	Risk Description & Potential Outcomes (reasonable worst-case scenario)	Existing Controls / Mitigation	Additional Mitigation Planned – including Timelines/Deadlines	Risk Score		Risk Category / RAG Rating & Rating Change
							L	S	
<b>Threat of Cybercrime &amp; Data Loss</b>	N	SC	NH	<p>Threat of outside malicious forces attempting to breach RBC's network.</p> <p>Breach could lead to data loss, loss of service(s) &amp; potential unknown financial loss and possible enforcement action by the ICO.</p> <p>Inability to operate in whole or in part until the breach is addressed</p>	Full remediation plan in place		4	4	↔ High
<b>Financial Sustainability</b>	Y	SC	DS	<p>Government funding declines putting financial sustainability at risk</p> <p>Business Rates base reduces due to lower economic activity</p> <p>Council cannot afford to deliver services on current cost configuration</p> <p>Lack of engagement from officers and members with the financial challenge</p> <p>Savings Programme does not deliver required savings</p> <p>Poor decision making on financial commitments</p> <p>Decisions taken in isolation and do not form part of wider strategy</p> <p>Council does not have adequate reserves to mitigate financial risks</p>	<p>MTFS (February 2022) indicates scale of funding gap with regular updates to ELT and Cabinet</p> <p>Positive level of balances (CIPFA FR Index)</p> <p>Revised Savings Programme (CREP) already commenced with ELT sponsorship</p> <p>Council Tax increase maximised for 2022/23 and assumed in MTFS</p> <p>CREP identified a number of savings opportunities</p> <p>Further challenge through STP budget setting process</p> <p>Provisional Local Government Finance Settlement for 2022/23 - rollover with additional funding</p> <p>£1m Challenge with engagement from SMS</p> <p>Balances and Reserves Strategy 2023/24 to consider how reserve balances will be maintained at adequate level</p>	<p>Delivery of £3m of savings/cost reduction by 2023/24 critical Reserves held for risk (Commercial Property) and long-term liabilities (Pension)</p> <p>Asset disposals for commercial property where cost of holding is high</p> <p>Review of service delivery options</p> <p>Review of Capital expenditure plans</p> <p>Capitalisation direction could be sought</p> <p>S114 notice consideration</p> <p>Future of NHB Consultation</p> <p>Transitional arrangements likely</p> <p>Reprioritisation of resources to ensure financial sustainability can be maintained.</p>	4	4	↔ High

<p><b>Regeneration of town centres does not deliver economic, community and financial benefits - see major projects</b></p>	<p>Y</p>	<p>SC</p>	<p>KE/NI</p>	<p>Anticipated project expenditure of circa £300m expected to require RBC borrowing / rental guarantees / external funding to fulfil. High levels of public and political interest in both town centre major projects. Reputation for delivery will be tested. High intensity of resource required with many interdependent parts - leisure, civic, public realm, retail, hotel, highways etc Publicly, politically and financially RBC's regeneration interventions are deemed a failure negatively impacting the Council.</p>	<p>JV Partnership with Hill Group (Rushmoor Development Partnership) - share risk/reward approach  Comprehensive regeneration programme governance process implemented. (Board meets monthly)  Regular Cabinet and Member reporting  External due diligence engaged  External grant funding secured.</p>	<p>Further public/market engagement planned.  Wider Town Centre Strategy commissioned for Farnborough  Programme / scheme viability to be reviewed regularly.  Seek further external grant funding to reduce Council financial exposure - LEP / Homes England / High Street Fund etc.</p>	<p>3</p>	<p>4</p>	<p style="text-align: center;">↔ <b>High</b></p>
<p><b>Loss of Accommodation/ Building (temporary &amp; permanent)</b></p>	<p>N</p>	<p>SC</p>	<p>NH</p>	<p>The councils main building may be lost to natural causes, unforeseeable events of crisis, outside malicious forces or fire  The loss of the building would prevent the council operating at 100% capacity until such time as a secondary building(s) could be set up for officers to work  The financial costs would be extreme, albeit partially if not wholly covered by insurance policies  There is a risk of loss of life for any officers or member of public who may be in the building at the time of said event(s)</p>	<p>Business continuity plan &amp; IT Disaster recovery plans in place  Multiple copies of BC/DR Plans have been disseminated also available on Resilience Direct  Fire risk assessments undertaken regularly  Building condition survey undertaken with recommendation works</p>	<p>Business continuity plan and IT Disaster recovery plan to be tested – NS/RS/AM  Review BC plans following improvements made due to Covid-19 – NS/AM/RS - 2022  Condition survey review scheduled for April 2022.</p>	<p>2</p>	<p>4</p>	<p style="text-align: center;">↔ <b>High</b></p>

<p>Union Street, Aldershot - Major Project</p>	<p>Y</p>	<p>SC</p>	<p>KE/NI</p>	<p>Anticipated project expenditure of circa £40m expected to require RBC borrowing / rental guarantees / external funding to fulfil.</p> <p>High levels of public and political interest in scheme.</p> <p>Reputation for delivery will be tested, particularly as the Council is undertaking development of the scheme. Financial modelling builds in assumptions relating to income that are yet to be secured by way of pre-lets.</p> <p>Publicly, politically and financially RBC's regeneration intervention is deemed a failure negatively impacting the Council.</p>	<p>External grant funding secured (£6.5m)</p> <p>Comprehensive regeneration project governance process implemented. (Board meets 2 monthly)</p> <p>Regular Cabinet and Member reporting.</p> <p>External due diligence engaged.</p> <p>Employers agent appointed to review and approve costs and specifications.</p> <p>Commercial advisors appointed to develop leasing strategy for commercial element of scheme</p> <p>Additional resource appointed (Development Manager) to oversee the scheme</p> <p>Entered into main JCT Design and Build contract with Hill Partnerships at end of October.</p>	<p>Engage commercial advisors to assist with pre-let opportunities</p> <p>Currently soft market exercise to identify a management company to oversee student element of the scheme on behalf of the Council</p> <p>Rushmoor Homes Limited to purchase the market rent units from RBC. Consider funding profile in order to best manage risk exposure</p> <p>Engaging the market to confirm end user for the affordable housing element of the scheme</p>	<p>2</p>	<p>4</p>	<p>↔ High</p>
<p>Insufficient funding to proceed with projects</p>	<p>Y</p>	<p>SC</p>	<p>KE/TM</p>	<p>The Council cannot commit to fund the programme of projects, within the regeneration and property programme.</p> <p>Failure to deliver the schemes as a result of a lack of funding and team resources will not meet the overarching strategy objective as stated in the Council Business Plan to deliver additional income or capital and regenerate our town centres.</p>	<p>Secured some external grant funding to assist with bridging funding gaps.</p> <p>Review of capital and investment position overall and mindful of CIPFA consultation on debt funding.</p> <p>Ensuring finance colleagues are kept up to date with both current / forecast project spending and potential sales of assets.</p> <p>A capital and investment strategy is being drafted to consider the wider financing needs and timing of receipts.</p>	<p>Seek additional grant funding to mitigate the risk to the Council.</p> <p>Obtain detailed expert advice and carry out due diligence on major projects and capital commitments.</p> <p>Consider joint ventures and other methods of delivery in order to share the risk/reward.</p> <p>Continue to review financial position in order to determine capacity to support regeneration and property projects.</p> <p>Review opportunities for receipts in the context of income received from these assets.</p>	<p>3</p>	<p>4</p>	<p>↔ High</p>



<p><b>External Audit opinion</b></p>	<p>Y</p>	<p>SC</p>	<p>DS</p>	<p>Inability to publish Statement of Accounts by statutory deadline Council is not able to secure an unqualified opinion of the financial statements Significant governance issues across the authority results in a qualified VfM opinion National position shows 76 audit opinions from 2019/20 audit have not yet been finalised (Q2 2021) 90% of audit opinions for 2020/21 were not provided by the statutory date (Sept 2021) Inadequate record keeping or documentation to support key financial statements and accounting judgements External auditor recommendations are not considered by the Council Council cannot complete Annual Statement of Accounts by statutory deadline</p> <p>Council cannot amend draft Statement of Accounts due to lack of suitably qualified/experienced staff and loss of staff through absence Property unable to find records or respond adequately to EY queries may lead to a limitation of scope opinion or a qualified opinion Council does not prioritise asset valuation work or responding to audit queries leading to EY to lose confidence in the authority.</p>	<p>Additional support from key interim staff over next 6-12 months Recruitment of Capital Accountant and Principal Accountant (T&amp;T) to provide adequately resourced, qualified, experienced team FIP restructure identifies resource requirements within finance Review of Integra over longer-term to produce accounting information PSAA aware of local audit performance but remains difficult to address supply-side issues Audit opinion fatigue - gap between audit is required to ensure learning from previous year can be actioned Statutory deadlines extended for next 2 audit periods Delay in implementation of new Accounting standards</p>	<p>Improved working/information sharing between finance and property given focus on PPE valuations Increase awareness at HoS and SM level around service responsibilities for final accounts Impact from 2019/20 onto 2020/21 and 2021/22 process EY Resourcing not improved No real prospect of significant improvement over short-term. Significant risk that 2020/21 audit opinion is not available Autumn 2022 with 2021/22 audit opinion being received after statutory deadline Improvement in management of information across the Council – Concerto, Property team, finance</p>	<p>3</p>	<p>3</p>	<p>↓ <b>High</b></p>
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<p>Civil Quarter, Farneborough - Major Project</p>	Y	SC	KE/NI	<p>Anticipated project expenditure of circa £250m expected to require RBC borrowing / rental guarantees / external funding to fulfil. High levels of public and political interest in scheme.</p> <p>Reputation for delivery will be tested.</p> <p>Publicly, politically and financially RBC's regeneration intervention is deemed a failure negatively impacting the Council.</p>	<p>JV Partnership with Hill Group (Rushmoor Development Partnership) - share risk/reward approach Comprehensive regeneration project governance process implemented. (Board meets monthly) Regular Cabinet and Member reporting. External due diligence engaged. Public engagement undertaken in September 2021. Planning application submitted in March 2022 in order to establish development parameters for the site.</p>	<p>Programme / scheme viability to be reviewed regularly.</p> <p>Seek further external grant funding to reduce RBC exposure - LEP / Homes England / High Street Fund etc.</p>	2	4	<p>↔ High</p>
<p>Climate Change – Failure to deliver ambition for a carbon neutral Council by 2030.</p>	Y	SC	AC	<p>Risk of not delivering high profile organisational objective due to insufficient resources or lack of support because of other priorities.</p>	<p>Development of a plan and assessing resourcing requirements.</p> <p>Allocation of ringfenced resource</p> <p>Driven by Cabinet Member and Working Group</p> <p>Annual review of plans and inclusion in quarterly monitoring</p> <p>Establishment of Programme Officer and Apprentice Roles to deliver action plan support.</p>	<p>Focus on the issues that make the most difference by identifying priority areas.</p> <p>Develop arrangements to deliver projects with partners.</p> <p>Incorporate projects within Service Business Plans as part of the Review of the Climate Change Action Plan.</p>	2	3	<p>↔ Medium</p>
<p>Major Data Breach – non-technical (human and physical)</p>	N	SC	DPO	<p>Loss/accidental destruction of/ alteration of/unauthorised access to personal data caused by ineffective processes or lack of training or understanding of training. Shared office space. Home working/hybrid working has additional risks.</p>	<p>Mandatory training for all; encouraging breach reporting and continuing communication on training and lessons learned from data breaches that have occurred. Access controls – council offices/systems/archive management.</p>		2	3	<p>↔ Medium</p>

<p><b>Governance and Decision Making – Not meeting statutory deadlines. Legal challenge to a high profile, or regeneration related, or high value decision made by the Cabinet, Committees or under delegated powers.</b></p>	<p>Y</p>	<p>SC</p>	<p>AC/IH</p>	<p>Risk of non-compliance with legal requirements. Financial loss from costs of defending, or costs of halting development works. Reputational risk Risk of delay in delivering key organisational objectives.</p>	<p>Governance Group meets weekly to consider more complex decision-making matters including Interests and Member engagement. Delegated decision making is monitored quarterly by the Governance Group. Strengthening of the governance arrangements with improvements to the new CGAS committee currently being introduced. Recruitment of Independent Person (Audit). Constitution kept under review and training on decision making provided to CMT/Service Managers. Timetables and reminders for deadlines provided by meeting administrators. Support Corporate Induction on Constitution for staff</p>	<p>Governance Group participation in on-line seminars and reference to PI Reports – e.g. learning from what can go wrong at other Local Authorities,  Training during 2022/23 to improve CGAS committee's oversight of corporate governance and audit matters and  Training offered for OSC.  Training on Contracts and Financial Standing Orders for CMT and Service Managers  (JS to co-ordinate arrangements in consultation with DS/procurement)</p>	<p>2</p>	<p>3</p>	<p style="text-align: center;">↔ <b>Medium</b></p>
<p><b>Lack of employee alignment, engagement and development will reduce organisational performance</b></p>	<p>Y</p>	<p>SC</p>	<p>KE</p>	<p>A high performing organisations requires employees to be engaged, aligned and developed – significant risk of performance targets not being achieved if these areas are not developed</p>	<p>Development and implementation of People Strategy. Developmental activities: Annual Development Reviews May-Aug, with learning needs feeding into the corporate Learning and Development plan, and individual service L&amp;D needs/CPD identified. My Learning e-platform for compliance and developmental training, with reminders when training due. Bespoke leadership development – Service/Corporate Manager and Corporate Management team – ongoing. Communications via Staff Live, Yammer, People Portal, email, team meetings, 121s</p>	<p>Regular and ongoing engagement activities e.g. around savings/transformation and other priority areas.</p>	<p>3</p>	<p>2</p>	<p style="text-align: center;">↔ <b>Medium</b></p>

<p>Management of external debt - Interest rates refinancing risk access to capital finance</p>	<p>Y</p>	<p>SC</p>	<p>DS</p>	<p>Council debt portfolio (£100m as at 01/04/2022) cannot be refinanced at affordable interest rates/within resources set aside in MTFS Volatility in capital/money markets due to political uncertainty Contraction of inter-authority lending market Ability to manage debt portfolio significant resource and skill requirement Changes to PWLB Lending Terms announced 25/11/2020 by Government with further clarification in August 2021 Council is unable to access PWLB borrowing due to non-compliance with lending rules Council does not consider refinancing or interest rate risk on debt portfolio PWLB rates increase more than Arlingclose forecasts due to economic pressures Increase in BofE base rate in March 2022 to 0.75% Lack of clarity on Council's capital expenditure plans may lead to sub-optimal borrowing decision making Asset Management Plan does not provide clear indication of asset holding period making TM decision making more difficult PWLB rates have been increasing since January 2022 and are above MTFS forecasts May 2022 – provisions in the Levelling Up and Regeneration Bill propose ministerial intervention powers on capital finance</p>	<p>Continual monitoring of debt position and market interest rates Engagement with Arlingclose (Council's Treasury advisors) Treasury Management Strategy sets borrowing limits and interest rate exposure limits External borrowing - refinancing risk mitigated through planned move to longer term borrowing PWLB Lending terms - compliance through TMS and Capital Strategy for 2022/23 Lending from other LAs is available but rates have increased from 0.10% to &gt;1.10%. Arlingclose advise sought and gained Continual review of debt portfolio and refinancing opportunities as part of BAU Development of Asset Management plans including asset disposal to inform debt position MTFS (February 2022) included forecast of higher interest rates on debt Improved cashflow forecasting/future borrowing need tied to Union Yard contract sums Proactive monitoring of metrics to ensure financial risk is mitigated/contained</p>	<p>Utilising revenue savings of capital receipts to repay debt Further budget and efficiency savings to offset increased borrowing costs Reduce borrowing for future schemes (i.e. risk on existing debt is high so can't take on additional debt) S151 leading management of capital programme to focus on peak debt, affordability and revenue impact of borrowing Target risk likely to remain high given current borrowing level and forecasts Divestment of commercial property assets</p>	<p>3</p>	<p>2</p>	<p>↔ <b>Medium</b></p>
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<b>PCI DSS compliance</b> <b>*NEW*</b>	N	SC	DS	The Council is not currently compliant with all industry standards for receiving a small number card payments.	Council engaged QSA with review of current position and recommendation on future options		2	2	↑ <b>Medium</b>
<b>Political Ambitions &amp; Resources</b>	Y	SC	PS	Political ambitions exceed organisational capacity and resources resulting in priorities not being delivered and day to day services becoming poor.	Business Plan process identifies corporate priorities and objectives & the service planning process dealing with day to day services. Informal Cabinet briefings, Portfolio Holder briefings and shadow portfolio arrangements all in place. Regular meetings between the Leader and the Executive Team to raise any strategic issues or issues of concern. Member Scrutiny and Policy functions in place. Regular meetings of the cross party budget strategy working group in place to give advice / views on the financial challenges facing the Council.	Continued use of "all member" briefings using TEAMS to update and keep all elected members briefed.	1	2	↔ <b>Low</b>
<b>Change in Political Leadership/Control at the Council</b>	Y	SC	PS	New administration changes overall policy direction of Council Main risk to Organisational Objectives - which in turn may have impact on major projects etc.	Horizon scanning - position of projects etc kept under review in relation to upcoming elections. Election by third makes immediate change of overall control less likely.		1	2	↔ <b>Low</b>

## Part 3: Escalated Service Risks

### Total 7 Risks (+/-0)

Escalated Service risks are likely to be those that by virtue of the severity of the potential outcome and/or inadequate controls may be considered a single point of failure for the Council, rather than a threat to a single Service. It could also include those risks that are newly identified and have little or no mitigation or controls in place. These risks will tend to arise, be resolved and then be removed from the register.

Risk Title	Suitable for Public Register Y / N	Risk Type: Service (S) Escalated Service (ES) Standing Corp. (SC) Strategic (ST)	Risk Owner	Risk Description & Potential Outcomes (reasonable worst-case scenario)	Existing Controls / Mitigation	Additional Mitigation Planned – including Timelines/Deadlines	Risk Score		Risk Category / RAG Rating & Rating Change
							L	S	
Escalating building costs as well as materials and skilled labour shortages will increase costs and cause delays to projects	Y	ES	KE/TM	Data on building material costs indicates there will be significant cost inflation on building materials. There are also reports of delays from supply chains being disrupted through logistical issues and, as building projects recommence or begin after Covid related delays, shortages of key skills in the construction industry.	Specialist construction advisors have been engaged to support the projects and this includes cost consultants.	Advise members of the emerging issue and impact upon delivery Look at alternative design and delivery options Review the criticality of timelines Agree increases in budget and borrowing	4	4	↔ High
Changing priorities and outcomes from either RDP partner	Y	ES	KE/NI	RBC and Hill Investment Partnership each represent 50% of the Rushmoor Development Partnership. Decisions must be unanimous, any inability to arrive at a decision results in deadlock and delay. Decisions are often time sensitive, any tension/disagreement/conflict may cause delays. The Council sees no return on its investment in the RDP if shared outcomes and values cannot be agreed or conflict is not resolved and fails to deliver on its regeneration aspirations.	Members Agreement sets out conflict procedures and arbitration process. Regular meetings between partners scheduled at both Investment Team and Board level to discuss decisions. Projects are jointly developed and agreed via a project plan setting out project outcomes and expected financial position of both parties post development Portfolio holder is on the RDP Board (With Ex Director and CEx) and Council Members kept informed of progress and key decisions.	Opportunities for relationship building exercises and different working practices now that Covid restrictions have eased.  Informal discussions at RDP Board level to consider business plan and where the RDP can add most value to both partners.  Increase effort on bringing forward project plans swiftly for consideration following submission of outline planning for civic quarter.	3	3	↔ High

Risk Title	Suitable for Public Register Y / N	Risk Type: Service (S) Escalated Service (ES) Standing Corp. (SC) Strategic (ST)	Risk Owner	Risk Description & Potential Outcomes (reasonable worst-case scenario)	Existing Controls / Mitigation	Additional Mitigation Planned – including Timelines/Deadlines	Risk Score		Risk Category / RAG Rating & Rating Change
							L	S	
<b>Failure to identify the full extent of asbestos risk as part of property and major works programme</b>	Y	ES	KE/TM	A number projects have identified additional costs attributable to the removal of asbestos These include Farnborough Leisure Centre and Union Yard.	Intrusive surveys were carried out in some cases, but the additional asbestos was found during on site works were not detailed in these asbestos surveys.	A review of method statements, the liability of advisors, the scope of work and recommend what changes can be made to reduce the likelihood of this re-occurring	3	3	↔ High
<b>Reduced Income from Property Portfolio</b>	Y	ES	TM/DG	Significant loss of income from the Council's property portfolio arising from a variety of reasons including but not limited to Covid, deteriorating economic conditions, downturn in the property market and changing consumer or business habits.	Establishment of a Property Investment Advisory Group (PIAG) to monitor performance and advise on necessary actions alongside the appointment of LSH Investment Management (LSHIM) to asset manage part of the portfolio and support current in- house skill, knowledge and capacity. Also, the establishment of a Commercial Property Reserve to act as a buffer for any significant in year loss of income.	Managing income through payment plans, where necessary. Increased emphasis by the service in managing debts. Working with tenants directly and with LSHIM to identify issues and actions and reporting to PIAG. Implementation of asset management system under way. Identifying additional resource to underpin this important source of income by working on options to re-occupy vacant properties and identifying funds for improving the properties for quicker lettings and reducing the rent-free periods. Evaluating opportunities to create additional income to support the Council's financial position and bring forward where possible. This includes repurposing existing assets and adopting an agreed commercial approach to new ground leases.	4	3	↔ High



Risk Title	Suitable for Public Register Y / N	Risk Type: Service (S) Escalated Service (ES) Standing Corp. (SC) Strategic (ST)	Risk Owner	Risk Description & Potential Outcomes (reasonable worst-case scenario)	Existing Controls / Mitigation	Additional Mitigation Planned – including Timelines/Deadlines	Risk Score		Risk Category / RAG Rating & Rating Change
							L	S	
<b>Financial System</b>	Y	ES	DS	<p>Integra Financial System is not able to support Council requirements</p> <p>Lack of knowledge and skills within Finance and IT</p> <p>Patch Management of Integra weak leading to unsupported release</p> <p>Lack of development of Integra system within RBC means not fit for purpose</p> <p>Poor engagement from RBC HoS/SM/BH</p> <p>Link to risk - inaccurate financial reporting</p> <p>Reliance on external support from CAPITA may be weakened with focus on CENTROS</p> <p>Alternative financial records are maintained by services bypassing Integra</p>	Finance and IT are able to maintain current system ICE Programme has identified Integra/Financial system as requiring modernisation	Business Process Review with Capita Systems Accountant post – successful recruitment Additional resources bid or wider support from Digital Team	2	3	↓ <b>Medium</b>
<b>Inaccurate reporting of financial position</b>	Y	ES	DS	<p>Financial reports to Cabinet provide inaccurate financial information leading to poor decision making</p> <p>Budget holders provide finance with either inaccurate forecasts or unrealistic estimates of future expenditure and income</p> <p>Budget holders do not engage with finance</p> <p>Budget holders unaware of budget and spend position</p> <p>Difficulty in assessing ongoing financial impact from Covid-19</p>	Financial Regulations Budget monitoring process and quarterly reporting BH access to Integra Finance team review of transactions and support to BH Head of Finance provides additional High-Risk financial information to HoS	Improvement to Integra to provide user friendly/budget holder focussed reporting High-risk reporting through ELT and CMT Finance Improvement Plan Wider discussion on Corporate Priorities Enforcement of budget monitoring processes Follow-through of revised budget monitoring process (as per April 2022 Cabinet Report)	3	2	↔ <b>Medium</b>

Risk Title	Suitable for Public Register Y / N	Risk Type: Service (S) Escalated Service (ES) Standing Corp. (SC) Strategic (ST)	Risk Owner	Risk Description & Potential Outcomes (reasonable worst-case scenario)	Existing Controls / Mitigation	Additional Mitigation Planned – including Timelines/Deadlines	Risk Score		Risk Category / RAG Rating & Rating Change
							L	S	
				<p>Remote working/working from home may make budget monitoring more difficult</p> <p>Financial information held in Integra is not reviewed by budget holders</p> <p>Basis of forecasts/estimates does not take into account relevant financial information</p> <p>Decisions are made on income/expenditure that Finance are not made aware of</p> <p>Decisions are made on incorrect assumptions</p> <p>Other work priorities take precedence - financial reporting by BH does not happen</p> <p>Lack of understanding of FPRs</p> <p>Council places reliance on performance monitoring over financial reporting</p>					

### Matrix & RAG Risk Rating

<b>Severity of Outcome (S)</b>	<b>4</b>					<table border="1"> <tr> <td style="background-color: red;"><b>High Risk</b></td> <td style="background-color: red;"></td> <td>Strongly consider further mitigation, tolerating risk is unlikely to be acceptable</td> </tr> <tr> <td style="background-color: yellow;"><b>Med. Risk</b></td> <td style="background-color: yellow;"></td> <td>Tolerable if risk/exposure is acceptable at senior level</td> </tr> <tr> <td style="background-color: green;"><b>Low Risk</b></td> <td style="background-color: green;"></td> <td>Additional action may not be necessary to manage risk</td> </tr> </table>	<b>High Risk</b>		Strongly consider further mitigation, tolerating risk is unlikely to be acceptable	<b>Med. Risk</b>		Tolerable if risk/exposure is acceptable at senior level	<b>Low Risk</b>		Additional action may not be necessary to manage risk
	<b>High Risk</b>		Strongly consider further mitigation, tolerating risk is unlikely to be acceptable												
	<b>Med. Risk</b>		Tolerable if risk/exposure is acceptable at senior level												
	<b>Low Risk</b>		Additional action may not be necessary to manage risk												
	<b>3</b>														
<b>2</b>															
<b>1</b>															
	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>											
<b>Likelihood of Occurrence (L)</b>															

### Rating Consistency Guidance

	<b>Likelihood of Occurrence (L)</b>	<b>Severity of Outcome (S)</b>
<b>1</b>	<p><b>Very unlikely</b> Very unlikely to occur, (no history or near misses etc). Less than 5% probability.</p>	<p><b>Minor</b> Risk to specific role. Legal action unlikely. No significant illness or injury. Negative customer complaint. Financial impact negligible.</p>
<b>2</b>	<p><b>Unlikely</b> Unlikely but may occur (may have happened, but not within past 5 years). Is not expected to happen in next 5 years, less than 25% probability</p>	<p><b>Moderate</b> Risk to normal continuation of service. Legal action possible but defensible. Short term absence/minor injury. Negative customer complaints widespread. Financial impact manageable within existing Service budget.</p>
<b>3</b>	<p><b>Likely</b> Likely to occur (or already happened in the past 2 to 5 years). Is expected to happen in the next 2 to 5 years, 25 - 50% probability</p>	<p><b>Significant</b> Partial loss of service. Legal action likely. Extensive injuries or sickness. Negative local publicity. Significant fine. Financial impact manageable within existing Corporate budget - but not Service.</p>
<b>4</b>	<p><b>Very likely</b> Very likely to occur (or has already happened in the past year), may occur frequently. Is expected to happen in the next year, more than 50% probability</p>	<p><b>Major</b> Total loss of service. Legal action likely &amp; difficult to defend. Death or life threatening. Negative National publicity. Imprisonment. Financial impact not manageable within existing funds.</p>

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CABINET

COUNCILLOR MAURICE SHEEHAN  
OPERATIONAL SERVICES PORTFOLIO  
HOLDER7<sup>th</sup> June 2022

REPORT NO. OS2207

KEY DECISION: YES

**INTRODUCTION OF A PUBLIC SPACE PROTECTION ORDER IN  
ALDERSHOT TOWN CENTRE****SUMMARY AND RECOMMENDATIONS:**

The Antisocial Behaviour, Crime and Policing Act 2014 makes provision for the introduction of Public Space Protection Orders (PSPOs) within a local authority area. PSPOs allow local authorities to make an order covering a specific area in response to issues affecting the community. PSPOs can be used to prohibit specific activities or require people to do certain things.

The council are seeking to introduce a PSPO in Aldershot Town Centre to assist in managing ongoing antisocial behaviour related to the consumption of alcohol in a public place and other associated behaviours, including public urination and defecation.

Cabinet is recommended to approve

1. The implementation of a PSPO and proposed conditions in Aldershot Town Centre
2. The agreed fixed penalty notice for breach of the PSPO being set at £100 with an early payment discount of £25.

**1. INTRODUCTION**

- 1.1. This report recommends the implementation of a new PSPO to address antisocial behaviour concerns in Aldershot Town Centre and the nearby Municipal Gardens. Data from several sources between 2020 – 2022 provides the evidence base for the need and the result of consultation confirms the community agree that it is necessary.
- 1.2. This is a key decision as the proposed PSPO area covers Wellington, Rowhill and Manor Park wards.

**2. BACKGROUND**

- 2.1. The Antisocial Behaviour, Crime and Policing Act 2014 introduced simpler, more effective powers to tackle antisocial behaviour that provides better

protection for victims and communities. This includes the introduction of PSPOs to control individuals or groups that are engaging in activities which have a detrimental effect on others.

- 2.2. Aldershot Town Centre has been experiencing street based antisocial behaviour for a number of years, often centred around the Victoria Road area near The George public house and Ozone restaurant. The antisocial behaviour is committed by a large and often transient group of individuals who chose to spend their time-consuming alcohol during the day and gathering in groups. In addition to alcohol, they are believed to be using drugs; the consequent behaviour is rowdy and inconsiderate and has a detrimental effect on the wider community.
- 2.3. A consequence of this is that there are significant reports of negative behaviours which have a detrimental effect on others using the space including intimidating behaviour, abuse of members of the public, violence, begging, shoplifting and public urination/defecation. Both businesses and members of the public regularly report their concerns to Police and the Council and have also provided statements detailing the behaviours and effects it has had on them.
- 2.4. A PSPO was previously in force from 2017 – 2020. A decision was made to not renew it during 2020 due to a lack of evidence demonstrating its enforcement and impact. Other tools and powers (see 3.18) have also been utilised by the council since the original PSPO lapsed, but it is felt that in order to complement this approach and have a wider and longer lasting effect that a new PSPO is proportionate.
- 2.5. The proposed PSPO aims to specifically tackle the key causes of antisocial behaviour in the town centre in order to deal with some of the reported ongoing issues. There is commitment from both Police and Council officers regarding the orders enforcement and any subsequent legal action that may be required should individuals choose not to comply with the order.
- 2.6. The introduction of a PSPO in Aldershot Town Centre will complement the council business plan in terms of Aldershot Town Centre regeneration and ensuring that we look to ensure our towns are “family-friendly, safe, vibrant and sustainable places...”.
- 2.7. PSPOs must be reviewed every three years with a decision based on evidence whether to renew, vary or remove the order. The PSPO will expire after three years if not renewed, varied or removed beforehand. The area that the PSPO covers will also be reviewed to ensure that it is necessary and proportionate.
- 2.8. Further details of the evidence and impact of the behaviours can be found in the statement attached in **Confidential Appendix 1**.

### 3. DETAILS OF THE PROPOSAL

#### General

- 3.1. A PSPO can be made by the council if they are satisfied on reasonable grounds that the activities carried out, in a public space:
  1. Have had, or are likely to have, a detrimental effect on the quality of life of those in the locality
  2. Are, or are likely to be persistent or continuing in nature
  3. Are, or are likely to be, unreasonable and
  4. That this detrimental effect justifies the restrictions imposed
- 3.2. The council have liaised with police to ensure controls proposed are necessary and that the geographical area covered is proportionate.
- 3.3. The proposed conditions of the PSPO are as follows:
  1. Failing to comply with a direction not to consume, in breach of this order, alcohol, or anything which an Authorised Officer reasonably believes to be alcohol where the Authorised Officer reasonably believes that a person has engaged in antisocial behaviour
  2. Failing to surrender a container of alcohol which an authorised officer reasonably believes to contain alcohol (whether open or not) when asked to do so by an Authorised Officer
  3. Urinating or defecating other than when making use of facilities designed for such use
- 3.4. The draft PSPO order is attached as **Appendix 2**.
- 3.5. The above conditions are proposed having reviewed available evidence including police statistics, CCTV logs from the Rushmoor CCTV Control Room and statements given by members of the public, businesses, and local Councillors. This evidence has been collected over a substantial period from 2020 up to the present day and satisfies the test as described above at 3.1. The evidence shows continuing incidents and a detrimental impact on the quality of life for those who frequent the area.
- 3.6. Failure to comply with the above conditions would result in Authorised Officer issues a fixed penalty notice. It is proposed that the penalty for failure to comply is set at £100 with an early payment reduction to £75. This reduction acknowledges early payment, but also reflects the impact the behaviours concerned have on the wider community. It is hoped that these set financial penalties will act as a deterrent. FPNs can be issued at the authorised officer's discretion if the individual does not comply with their request. Each situation is different and professional judgement will be used

by authorised officers to determine the most suitable way of dealing with each incident.

- 3.7. Other approaches will include education, engagement and support and incidents can be used as evidence for other interventions, such as Community Protection Notices (CPN) or Criminal Behaviour Orders (CBO). This order is not designed to target those who are street attached and fines will only be issued where negative behaviours are evidenced and issuing of an FPN is deemed necessary and proportionate.
- 3.8. In the context of the PSPO, an Authorised Officer would be considered a Police Constable and a Rushmoor Borough Council authorised Council Officer. Officers would be issued fixed penalty notice pads to carry with them when on patrol. Hampshire Constabulary are currently reviewing the process to authorise Police Community Support Officers to issue a fixed penalty notice under Public Space Protection Orders.
- 3.9. The proposed PSPO would not have any effect on licensed premises, nor any the usual running of council run events. It is important to note that this does not impact those who wish to use open spaces to consume alcohol responsibly, for instance, as part of a family picnic. It is to tackle those whose behaviour has a detrimental and negative impact on the feeling of safety of those who live, work in, and visit the area. A person would be in breach of the order if they are (or had been) consuming alcohol AND choose to engage in anti-social behaviour, drinking alcohol (without any anti-social behaviour) would not breach the order.
- 3.10. There are regulations which relate to the way in which the proposed PSPO should be publicised. A copy of the PSPO will be put in the Council's website. In addition, the regulations require signs to be placed on or adjacent to the public places affected by the PSPO. Signage will be erected in places where the PSPO applies detailing the conditions and letting people know where they can find out more information. Signage would be erected at main entrances to the area covered, and at key locations within. A map of the proposed area is attached as **Appendix 3**.

### **Alternative Options**

- 3.11. Officers have looked at all of the available options before deciding to recommend the introduction of a PSPO. A full options analysis setting out the potential enforcement (and other) options was carried out and is attached as **Appendix 4**.
- 3.12. Other tools and powers have been used to tackle the issues raised, including Community Protection Warnings and Notices. Given the large number of individuals in the group and the fact that members of the group often change it is difficult and time consuming to target individuals on a longer-term basis, this prolongs the impact on the wider community. Where individuals are issued an FPN on a repeat basis the council will explore alternatives to tackle their behaviour in the long term.



- 3.13. It is deemed that a PSPO will assist in giving the council and Police further powers to tackle the root cause of many of the issues. Individuals who continue to cause issues will be case managed to explore longer-term interventions which may include diversionary support or enforcement.

### **Consultation**

- 3.14. Public consultation on the proposed draft PSPO was completed between 7<sup>th</sup> February 2022 and 21<sup>st</sup> March 2022. 358 people completed the consultation with overwhelming support for the measures outlined. 94% of respondents support the proposed condition on alcohol consumption and 93% of respondents support the proposed condition around public urination/defecation.
- 3.15. Of 346 respondents to complete the question, 276 (80%) indicated they had witnessed antisocial behaviour in Aldershot Town Centre in the last year, with 70 respondents (20%) indicating they had not. The most common type of antisocial behaviour witnessed was litter (84%, n222), followed by verbal abuse and noise (78%, n207) followed by public urination (47%, n125). Of those that answered "other" the main types of antisocial behaviour stated included drug use and dealing, street drinking and drunk people, begging and dog mess. When asked whether respondents believed antisocial behaviour witnessed was a result of street drinking, 77% (n203) of those who answered the question agreed that it was. Respondents felt that the antisocial behaviour witnessed in the town centre had a persistent and detrimental effect on their quality of life (66%, n175).
- 3.16. 76% (n245) of respondents agreed with the proposed geographical area of the PSPO, however many respondents felt that the area should be extended further to include either the whole of the town, or specific areas such as Manor Park. The proposed geographical area is based on evidence collated relating to specific issues in the town centre, including statements, police data and CCTV logs. Extension of the area proposed would not be possible due to a lack of supporting evidence of a similar issue in the wider area. Incidences of antisocial behaviour are monitored on a regular basis by both council and Police with consideration for the use of appropriate tools and powers kept under regular review.
- 3.17. A copy of the public survey and consultation report is attached as **Appendix 5**.
- 3.18. Introduction of a PSPO also requires consultation with key partners. All partners consulted expressed their support for the proposed PSPO. Consultees included the local Chief Inspector of Police, Police and Crime Commissioner, Hampshire County Council as the Highways Authority, Army, Aldershot Civic Society and Homegroup as a local service provider. Other relevant consultees who a response was not received from includes Society of St. James and Inclusion. Both partners provide services to individuals who are considered to be part of the group causing antisocial

behaviour. Members were sent a letter summarising the proposal as well as a link to the public consultation.

- 3.19. The draft PSPO which was consulted on has subsequently been amended to reflect s.63(2)(b) of the Antisocial Behaviour, Crime and Policing Act 2014.

#### **4. IMPLICATIONS (of proposed course of action)**

##### **Risks**

##### **Legal Implications**

- 4.1. The power and requirements for making a PSPO are set out within Part 4 of Chapter 2 of the Act and is supplemented by the Anti-social Behaviour Crime and Policing Act 2014 (Publication of Public Space Protection Orders) Regulations 2014 and statutory guidance issued by the Secretary of State.
- 4.2. The basic requirements for making a PSPO are set out in the body of this report, in particular, the need to be satisfied on reasonable grounds that the two statutory conditions in Section 59 of the Act.
- 4.3. In deciding whether to make a PSPO and, if so, what restrictions should be included, by Section 72 of the Act, the Council must have particular regard to the rights of freedom of expression and freedom of assembly set out in Articles 10 and 11 of the Convention for the Protection of Human Rights and Fundamental Freedoms 1950 ("the Convention"). The restrictions imposed by the proposed PSPO are not considered to engage these Articles and are considered compatible with rights under the Convention. In the event however that the Articles are considered to be engaged, it is considered that the restrictions are permitted by paragraphs (2) of both those Articles. This is on the basis that the restrictions on those rights imposed by the PSPO are lawful, necessary and proportionate. This conclusion is reached given the nature of the restrictions, their imposition in accordance with the relevant statutory provisions and Guidance and having regard to the evidence and detrimental affect the behaviours concerned is having or is likely to have on those who use the areas.
- 4.4. Under Section 66 of the Act any challenge to the validity of a PSPO must be made in the High Court by an interested person within six weeks of it being made. The order will be treated as having been "made" on the day when the Council approves it (namely the date of this meeting). The Council can choose to nominate a different (later) date from which the PSPO will have effect.
- 4.5. An interested person is an individual who lives in, or regularly works in, or visits the restricted area. This means that only those who are directly affected by the restrictions have the power to challenge. The PSPO can be challenged on two grounds:

1. That the Council did not have power to make the order, or to include particular prohibitions or requirements imposed, or
  2. That the procedural requirements for making the PSPO (e.g. consultation) were not complied with
- 4.6. On any application to the High Court challenging the validity of an Order the Court may suspend its operation or any of the prohibitions or requirements imposed by it until the final determination of the proceedings. If the Court is satisfied the Council did not have the power to make the PSPO, or it did but the Council failed to comply with the procedural requirements and, the applicant has been substantially prejudiced by that failure, it may quash the order, or any of the prohibitions or requirements imposed by it.
- 4.7. All proposals to make, vary or discharge PSPOs, regardless of the method of authorisation will be made in accordance with the statutory provisions and guidance.

### **Financial and Resource Implications**

- 4.8. The proposal includes fine limits for failure to comply with a PSPO being set at the statutory maximum of £100. Those who receive a Fixed Penalty Notice must make payment within 14 days of the notice being issued. If paid within 10 days, the fine amount is reduced to £75.
- 4.9. Signage and FPN documentation will be required however costs are anticipated to be met from existing revenue budgets.

### **Equalities Impact Implications**

- 4.10. Public authorities have a Public Sector Equalities Duty under the Equality Act 2010 to consider and address equality issues in all their functions, insofar as is relevant and proportionate. An Equality Impact Assessment has been undertaken to consider the impact of the proposed Public Space Protection Order on the protected characteristics groups and its implications for the Public Sector Equality Duty. This assessment concluded that the order would be generally positive for all protected characteristic groups.
- 4.11. Those who are alcohol dependant or have other identified issues will be signposted to appropriate support agencies, if not already engaged with them. The consultation for this proposal has been made accessible to all key stakeholders, and groups, as well as statutory consultees
- 4.12. A copy of the Equality Impact Assessment is attached as **Appendix 6**.

## **Other**

- 4.13. There may be a risk to council staff enforcing the PSPO. The council's Community Patrol Officers are equipped with appropriate Personal Protection Equipment. They are trained in conflict management and will take a proportionate approach to PSPO related activity. A full risk assessment will be completed in relation to this activity.
- 4.14. Other officers authorised to enforce the PSPO will include Police. A full briefing will be provided to all authorised officers to raise awareness of the PSPO and how we intend to manage it, ensuring consistency across both the council and Police. We will maintain regular communication with Police partners and ensure they are kept up to date of any developments or changes.
- 4.15. The PSPO may raise expectations from the local community including businesses, residents, and visitors that the behaviours concerned will be eliminated completely. It will be important through the council Communication team to promote the order, what the restrictions mean and what impact residents can expect to see.
- 4.16. Activity related to the PSPO will be recorded by Police on their record management system, allowing for review and analysis to be undertaken. Within the council, activity will be recorded on relevant council systems.

## **5. CONCLUSIONS**

- 5.1. The information and evidence available to the council, in addition to responses from the public and stakeholder consultation demonstrate a need and support for a new PSPO. The evidence in favour of the order has remained consistent, including during the pandemic.
- 5.2. The order makes it clear to perpetrators and residents/businesses that the behaviour exhibited is not acceptable and that the council and Police are prepared to tackle it. The order will also complement the ongoing regeneration work in Aldershot Town Centre.
- 5.3. The proposed order also has the support of the Operational Services Portfolio Holder, and Leader of the council.
- 5.4. It is therefore recommended that Cabinet approve:
  1. The implementation of a PSPO and proposed conditions in Aldershot Town Centre
  2. The agreed fixed penalty notice for breach of the PSPO being set at £100 with an early payment discount of £25

**BACKGROUND DOCUMENTS:**

Appendix 1 – Statement on need for PSPO (CONFIDENTIAL)

Appendix 2 – Draft Order

Appendix 3 – Map

Appendix 4 – Options Assessment

Appendix 5 – Survey and Consultation Report

Appendix 6 – Equality Impact Assessment

**CONTACT DETAILS:**

**Report Author** – David Lipscombe, Community Safety Manager

**Head of Service** – James Duggin, Head of Operational Services



By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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**DRAFT ORDER**

**ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**

**SECTION 59**

**PUBLIC SPACES PROTECTION ORDER**

This order is made by the Rushmoor Borough Council (the 'Council') and shall be known as the **Public Spaces Protection Order (Aldershot Town Centre) 2022**.

**PRELIMINARY**

1. The Council, in making this Order is satisfied on reasonable grounds that:  
  
The activities identified below have been carried out in public places within the Council's area and have had a detrimental effect on the quality of life of those in the locality,  
  
and that:  
  
the effect, or likely effect, of the activities:  
  
is, or is likely to be, of a persistent or continuing nature,  
  
is, or is likely to be, such as to make the activities unreasonable, and  
  
justifies the restrictions imposed by the notice.
2. The Council is satisfied that the prohibitions imposed by this Order are reasonable to impose in order to prevent the detrimental effect of these activities from continuing, occurring or recurring, or to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.
3. The Council has had regard to the rights and freedoms set out in the European Convention on Human Rights. The Council has had particular regard to the rights and freedoms set out in Article 10 (right of freedom of expression) and Article 11 (right of freedom of assembly) of the European Convention on Human Rights and has concluded that the restrictions on such rights and freedoms imposed by this Order are lawful, necessary and proportionate.

**THE ACTIVITIES**

4. The Activities prohibited by this Order are:
  - i. failing to comply with a direction not to consume, in breach of this order, alcohol, or anything which an Authorised Officer reasonably believes to be alcohol where the

Authorised Officer reasonably believes that a person has engaged in anti-social behaviour.

- ii. failing to surrender a container which an Authorised Officer reasonably believes to contain alcohol (whether open or not) when asked to do so by an Authorised Officer.
- iii. urinating or defecating other than when making use of facilities designed for such use.

#### **THE PROHIBITION**

5. A person shall not engage in any of the Activities anywhere within the Restricted Area as shown shaded on the attached map labelled "The Restricted Area".
6. This Prohibition is subject to the Exceptions stated below.

#### **THE REQUIREMENT**

7. A person who is believed to have engaged in a breach of this Order is required to give their name and address to a police officer, police community support officer or other person designated by the Council.

#### **THE EXCEPTION**

8. Nothing in this order shall apply to a person who is consuming alcohol on premises listed in section 62 of the 2014 Act, the full text of section 62 appears at the end of this Order.
9. No offence is committed if the person has a reasonable excuse for engaging in the behaviour in question.

#### **DEFINITIONS**

10. In this Order the following words or phrases are defined as follows:

**'Alcohol'** has the same meaning as in section 191 of the Licensing Act 2003, the full text of s.191 appears at the end of this Order.

**'Anti-social behaviour'** means conduct that has caused or is likely to cause nuisance, annoyance, harassment, alarm or distress to any person.

**'Authorised Officer'** means an employee or agent of the Authority who is authorised for the purpose of giving directions under this Order or a Police Officer.

**'Council'** means Rushmoor Borough Council.

**'Restricted Area'** means anywhere within the area marked with a red boundary line and which is labelled 'Restricted Area' on the map attached to this order.

**'2014 Act'** means the Anti-Social Behaviour, Crime and Policing Act 2014.

#### **PERIOD FOR WHICH THIS ORDER HAS EFFECT**

11. This Order will come into force at midnight on [ **date to be inserted** ] and will expire at midnight on [ **date to be inserted** ].
12. At any point before the expiry of this three-year period the Council can extend the Order by up to three years if they are satisfied on reasonable grounds that this is necessary to prevent the activities identified in the Order from occurring or recurring or to prevent an increase in the frequency or seriousness of those activities after that time.

#### **WHAT HAPPENS IF YOU FAIL TO COMPLY WITH THIS ORDER?**

##### **ALCOHOL**

**Section 63** of the Anti-Social Behaviour Crime, and Policing Act 2014 provides that where a constable or authorised person has reason to believe that a person has been consuming alcohol in breach of this PSPO or intends to consume alcohol in circumstances which would be a breach of this PSPO, the constable or authorised person may require that person not to consume alcohol or anything which is reasonably believed to be alcohol and/or surrender anything believed to be alcohol or a container for alcohol. Failure to comply without having a reasonable excuse is an offence. A requirement is not valid if, when asked to do so, the constable or authorised person, fails to show evidence of their authorisation. **Section 62** (set out in full below) contains a list of exceptions where the ban on consuming alcohol does not apply).

##### **CRIMINAL OFFENCE**

**Section 67** of the Anti-Social Behaviour Crime, and Policing Act 2014 says that it is a criminal offence for a person without reasonable excuse:

- (a) to do anything that the person is prohibited from doing by a public spaced protection order, or
- (b) to fail to comply with a requirement to which the person is subject under a public spaces protection order.

##### **PENALTY**

A person who is guilty of an offence under this Order shall be liable to a £100.00 Fixed Penalty Notice, or upon summary conviction to a fine not exceeding level 3 (currently £1000) on the standard scale.

## **APPEALS**

Any challenge to this order must be made in the High Court by an interested person within six weeks of it being made. An interest person is someone who lives in, regularly works in or visits the Restricted Areas. This means that only those who are directly affected by the restrictions have the power to challenge. The right to challenge also exists where an order is varied by the Council. Interested persons can challenge the validity of this order on two grounds: that the Council did not have the power to make the order, or to include particular prohibitions or requirements; or that one of the requirements of the legislation has not been complied with. When an application is made the High Court can decide to suspend the operation of the order pending the court's decision, in part or in totality. The High Court has the ability to uphold or quash the order or any of its prohibitions or requirements.

## **LEGISLATION**

### **Section 62 – Anti-Social Behaviour, Crime and Policing Act 2014**

#### **Premises etc to which alcohol prohibition does not apply**

- (1) A prohibition in a public spaces protection order on consuming alcohol does not apply to—
- (a) premises (other than council-operated licensed premises) authorised by a premises licence to be used for the supply of alcohol;
  - (b) premises authorised by a club premises certificate to be used by the club for the supply of alcohol;
  - (c) a place within the curtilage of premises within paragraph (a) or (b);
  - (d) premises which by virtue of Part 5 of the Licensing Act 2003 may at the relevant time be used for the supply of alcohol or which, by virtue of that Part, could have been so used within the 30 minutes before that time;
  - (e) a place where facilities or activities relating to the sale or consumption of alcohol are at the relevant time permitted by virtue of a permission granted under section 115E of the Highways Act 1980 (highway-related uses).
- (2) A prohibition in a public spaces protection order on consuming alcohol does not apply to council-operated licensed premises—
- (a) when the premises are being used for the supply of alcohol, or
  - (b) within 30 minutes after the end of a period during which the premises have been used for the supply of alcohol.
- (3) In this section—
- “club premises certificate”* has the meaning given by section 60 of the Licensing Act 2003;
  - “premises licence”* has the meaning given by section 11 of that Act;
  - “supply of alcohol”* has the meaning given by section 14 of that Act.
- (4) For the purposes of this section, premises are “council-operated licensed premises” if they are authorised by a premises licence to be used for the supply of alcohol and—

- (a) the licence is held by a local authority in whose area the premises (or part of the premises) are situated, or
- (b) the licence is held by another person but the premises are occupied by a local authority or are managed by or on behalf of a local authority.

## **Section 63 - Anti-Social Behaviour, Crime and Policing Act 2014**

### **Consumption of alcohol in breach of prohibition in order**

(1) This section applies where a constable or an authorised person reasonably believes that a person (P)—

- (a) is or has been consuming alcohol in breach of a prohibition in a public spaces protection order, or
- (b) intends to consume alcohol in circumstances in which doing so would be a breach of such a prohibition.

In this section “*authorised person*” means a person authorised for the purposes of this section by the local authority that made the public spaces protection order (or authorised by virtue of section 69(1)).

(2) The constable or authorised person may require P—

- (a) not to consume, in breach of the order, alcohol or anything which the constable or authorised person reasonably believes to be alcohol;
- (b) to surrender anything in P's possession which is, or which the constable or authorised person reasonably believes to be, alcohol or a container for alcohol.

(3) A constable or an authorised person who imposes a requirement under subsection (2) must tell P that failing without reasonable excuse to comply with the requirement is an offence.

(4) A requirement imposed by an authorised person under subsection (2) is not valid if the person—

- (a) is asked by P to show evidence of his or her authorisation, and
- (b) fails to do so.

(5) A constable or an authorised person may dispose of anything surrendered under subsection (2)(b) in whatever way he or she thinks appropriate.

(6) A person who fails without reasonable excuse to comply with a requirement imposed on him or her under subsection (2) commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

## **Offences**

### **67 - Anti-Social Behaviour, Crime and Policing Act 2014**

#### **Offence of failing to comply with order**

(1) It is an offence for a person without reasonable excuse—

- (a) to do anything that the person is prohibited from doing by a public spaces protection order, or
- (b) to fail to comply with a requirement to which the person is subject under a public spaces protection order.

(2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order.

(4) Consuming alcohol in breach of a public spaces protection order is not an offence under this section (but see section 63).

## 191 – Licensing Act 2003

### Meaning of “alcohol”

(1) In this Act, “*alcohol*” means spirits, wine, beer, cider or any other fermented, distilled or spirituous liquor in any state, but does not include—

- (a) alcohol which is of a strength not exceeding 0.5% at the time of the sale or supply in question,
- (b) perfume,
- (c) flavouring essences recognised by the Commissioners of Customs and Excise as not being intended for consumption as or with dutiable alcoholic liquor,
- (d) the aromatic flavouring essence commonly known as Angostura bitters,
- (e) alcohol which is, or is included in, a medicinal product or a veterinary medicinal product,
- (f) denatured alcohol,
- (g) methyl alcohol,
- (h) naphtha, or
- (i) alcohol contained in liqueur confectionery.

(2) In this section—

“*denatured alcohol*” has the same meaning as in section 5 of the Finance Act 1995 (c. 4);

“*dutiable alcoholic liquor*” has the same meaning as in the Alcoholic Liquor Duties Act 1979 (c. 4);

“*liqueur confectionery*” means confectionery which—

- (a) contains alcohol in a proportion not greater than 0.2 litres of alcohol (of a strength not exceeding 57%) per kilogram of the confectionery, and
- (b) either consists of separate pieces weighing not more than 42g or is designed to be broken into such pieces for the purpose of consumption;

“*medicinal product*” has the same meaning as in section 130 of the Medicines Act 1968 (c. 67)

“*strength*” is to be construed in accordance with section 2 of the Alcoholic Liquor Duties Act 1979; and

*“veterinary medicinal product”* has the same meaning as in regulation 2 of the Veterinary Medicines Regulations 2006.

**RESTRICTED AREA – MAPs**

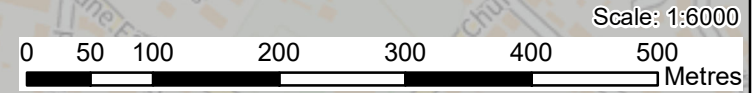
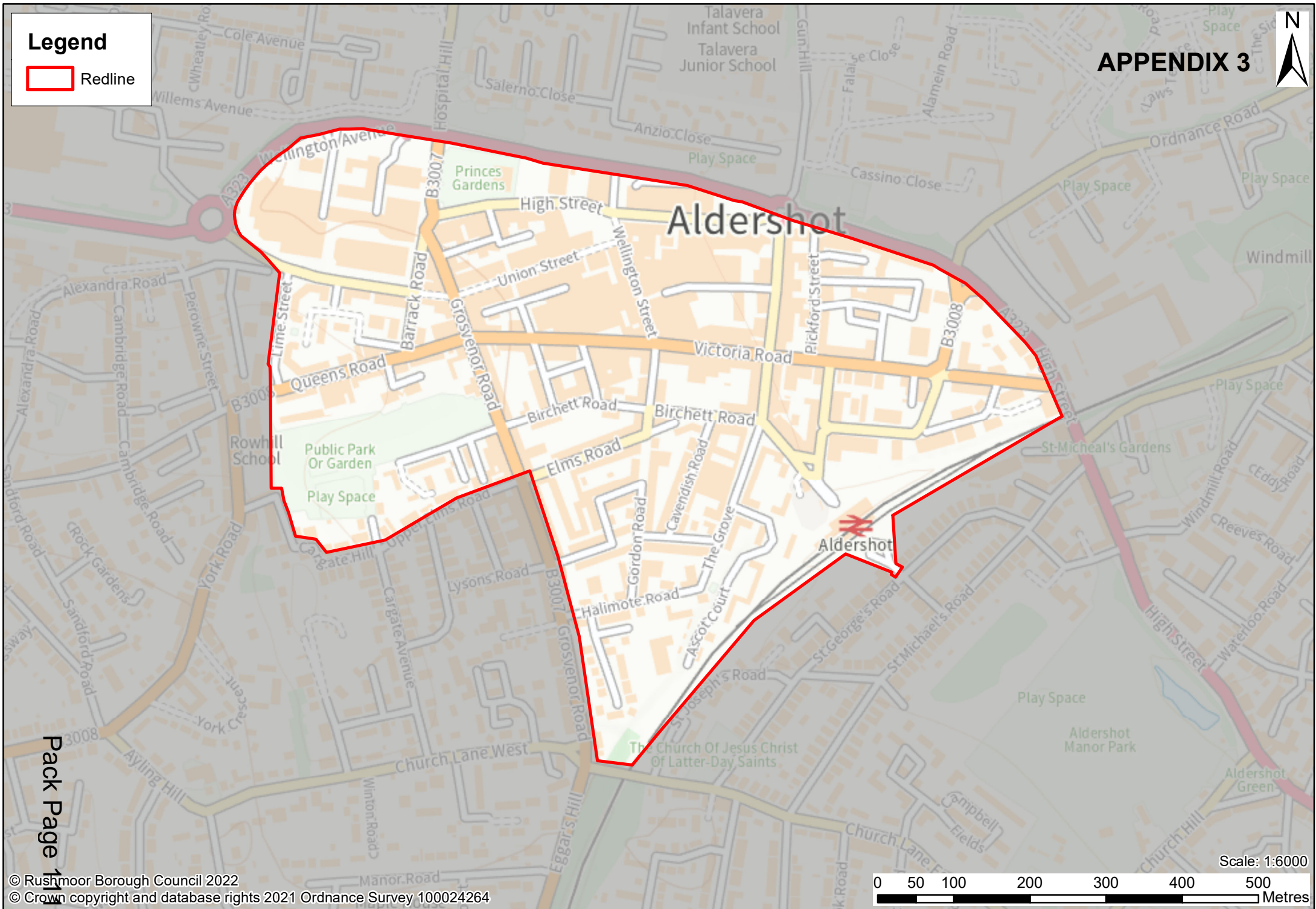




**Legend**

 Redline

**APPENDIX 3**





**Public Space Protection Order in Aldershot Town Centre – Options Assessment****The Issue**

Public Space Protection Orders (PSPOs) give councils the power to tackle antisocial behaviour in a public space. Rushmoor Borough Council previously had two PSPOs in place for Aldershot and Farnborough Town Centre which lapsed in 2020.

The council are proposing to introduce a PSPO in Aldershot Town Centre following ongoing concerns around street attached antisocial behaviour.

Aldershot Town Centre has been experiencing street based antisocial behaviour for a number of years, often centred around the Victoria Road area near The George public house and Ozone restaurant. The antisocial behaviour is committed by a large and often transient group of individuals who chose to spend their time consuming alcohol during the day and gathering in groups. In addition to alcohol they are believed to be using drugs; the consequent behaviour is rowdy and inconsiderate and has a detrimental effect on the wider community.

A consequence of this is that there are significant reports of negative behaviours which have a detrimental effect on others using the space including intimidating behaviour, abuse of members of the public, violence, begging, shoplifting and public urination/defecation. Both businesses and members of the public regularly report their concerns to Police and the Council and have also provided statements detailing the behaviours and effects it has had on them.

Since the expiry of the previous PSPO the Council have utilised other powers including Community Protection Notices, however these do not appear to be a long term deterrent. The proposed PSPO aims to specifically tackle the key causes of antisocial behaviour in the town centre in order to deal with some of the reported ongoing issues.

Between November 2020 – October 2021 there were 1108 incidents of crime and antisocial behaviour in Aldershot Town Centre. A total of 151 of these incidents were classed as public order offences, and there were a total of 173 incidents in which drink and drugs were identified as being a determining factor. Levels of criminal damage and public order increase on the previous 12 months data.

The Council's CCTV service has been vital in gathering evidence for incidents related to this group, and has resulted in a number of associated arrests.

**The impact**

The impact of this antisocial behaviour can be considered significant and statements have previously been collected to reflect this. Reports from the public and businesses are made directly to the Council and Police.

Members of the public report feeling intimidated and worried about going into Aldershot Town Centre. Local business owners report harassment, assault, urination on or near to their premises and changing their routine at the end of the working day so as to avoid the group. The Leader of Rushmoor Borough Council also reports feedback from members of the public including that they actively go to other town centres due to the impact of this group, as well as feedback from business owners of the knock on effect the group has on the local economy.

With significant money being spent on town centre regeneration, the impact that this group continue to have could cause a serious setback in the future of the town centre.

An Equalities Impact Assessment would be undertaken in respect of any measure that is to be pursued.

<b>OPTIONS ASSESSMENT</b>		
<b>POTENTIAL ENFORCEMENT OR OTHER OPTION</b>	<b>COMMENTS</b>	<b>VIABLE OPTION?</b>
Intervention by Council officers e.g CPOs including additional patrolling	<p>Council CPOs have the power to request names and addresses amongst other non-relevant powers.</p> <p>They are also able to engage these individuals generally although have no power to request they move on, or to confiscate alcohol.</p> <p>They are able to gather evidence of negative behaviours when in the area.</p>	<p>Whilst CPOs can engage individuals/groups and request details, there is no formal action they can take unless an offence is committed in which case they can contact the police. Details given by individuals could also be false, or refused.</p> <p>CPOs can pass details onto the Community Safety Team to progress CPNs but this is covered in more detail below. CPOs could also make use of CPNs directly themselves, but this would not remove the problem of regulating the behaviours when they are not on patrol.</p> <p>CPOs patrol the town centre area providing a high visibility presence. This is in addition to other numerous duties around the borough as a whole. Council officers do not work outside of normal office hours or at the weekend, giving a further gap in patrolling opportunity.</p>

		In order to ensure maximum effectiveness of patrolling time and in order to tackle issues being reported, further powers (such as those available under a PSPO) would be of significant benefit.
Police intervention/ Powers	<p>Police have powers to tackle a variety of the issues raised including public order, assault, criminal damage and begging.</p> <p>Police also have dispersal powers whereby they can place a temporary order on an area in order to tackle a particular issue.</p>	<p>Whilst helpful, these powers often require an incident to have a witness or aggrieved party who is willing to provide an evidential statement and appear in court. Such evidence is not always available because witnesses are sometime reluctant to formally report matters and become involved in criminal proceedings.</p> <p>Police will tackle the higher level incidents around violence and public order, and have recently prosecuted individuals involved in such.</p> <p>As with all police matters, the ability for them to tackle the issue is also affected by resources, including staffing and other competing and sometimes more serious priorities as advised by the local Sergeant. This means the ability of the police to be present and take action has limitations.</p>
Community Protection Notices	To stop a person aged over 16, a business or organisation from committing anti-social behaviour which negatively affects the community's quality of life.	There are a number of individuals who are primarily responsible for the ongoing reports of antisocial behaviour in the town centre.

		<p>To pursue a Community Protection Notice we need to be able to identify each of those individuals and serve them with the relevant paperwork. It is a two-stage process which requires a warning to be served before a formal notice. While this can be done in some cases, it can be a time-consuming activity and is not always possible when individuals displaying antisocial behaviour change frequently.</p> <p>The CPNs we have issued have had varying levels of effectiveness. Some CPNs have positively impacted the behaviours of certain individuals however the resources required to obtain evidence of the behaviours and resulting impact for all individuals is not a suitable long-term solution as behaviours will continue whilst evidence is being gathered and served, along with the issue that new individuals are joining the group all the time.</p>
Civil Injunctions	<p>To prohibit individuals from gathering/ partaking in antisocial behaviours including street drinking and drug related behaviours</p> <p>There are a number of key individuals who appear to be causing the issues within the Town Centre however this is not an exhaustive list and there is fluidity in those who gather in the main</p>	<p>An injunction could take two formats, either an injunction that names (or otherwise identifies) a specific individual or a “Persons Unknown” injunction which is directed at people who cannot be identified.</p> <p>In terms of the former, whilst some individuals are known to officers the people involved are not always the</p>

	<p>groups with participants leaving and returning.</p>	<p>same each time. This would mean that whilst some individual's behaviour could be addressed through the use of a civil injunction it would be difficult to address all of the issues faced. In addition, sufficient evidence would need to be collected to show behaviours being exhibited by each individual or separate injunctions would need to be sought in relation to each person on the grounds of the behaviours they are most frequently engaging in. Whilst there are common behaviours exhibited by a main group, these are not always the same for each individual.</p> <p>Pursuing an injunction in relation to each individual would use a significant amount of resources and would only address the behaviours of select individuals. Some difficulty would likely be faced in obtaining evidence from members of the public impacted for each separate individual for whom an injunction was being sought.</p> <p>In terms of "Persons Unknown" injunctions, there has been some uncertainty around their use following a recent decision of the High Court injunctions against "Persons Unknown". The Court of Appeal has recently confirmed that such injunctions are available in limited circumstances. They are possible as a holding measure while individuals</p>
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		are identified but are not thought to be the best fit in the circumstances.
Criminal Behaviour Order	An Order issued by the court to tackle persistent anti-social behaviour committed by individuals who are also involved in criminality and have been convicted of an offence.	<p>Order is dependent on a conviction for an offence. This is therefore not a viable option unless individuals have been convicted of an offence.</p> <p>This could be considered if individuals were convicted but would only address individual behaviours rather than a wider problem and would not address any of the problems in the short term. More appropriate to tackle behaviours of single individuals and will be considered where appropriate.</p>
Closure Powers	A Magistrates' Court can close premises (including open parcels of land) for three months at a time for a maximum of six months	This action would not be appropriate as the behaviours take place within the town centre where other members of the public and business use the land.
Public Space Protection Order	An order designed to stop individuals or groups committing antisocial behaviour in a public space.	<p>This is an option that has been seen to be used in other areas to address issues across Town Centres.</p> <p>The council previously had an order in place that expired due to not being able to evidence sufficient use of the order due to recording issues.</p> <p>If a PSPO were to be taken forward, consideration will also need to be given to</p>



		<p>any likely local displacement of the behaviours however often the antisocial nature of the behaviour is as a result of the behaviour being displayed in busy and populated areas of the town.</p> <p>Further consideration would need to be given to the availability of officers (Police or Council) to attend and issue fines.</p> <p>It is possible that the PSPO could displace this issue to other parts of the borough or even to outside the borough although many of the identifiable individuals exhibiting antisocial behaviour are residents of the borough. It is also known that other local areas have or are in the process of implementing their own measure to tackle antisocial behaviour in their locality.</p> <p>Providing the test is made out, then a PSPO would be the most viable option to restrict the behaviours alleged and provide a suitable sanction that can be issued by both Police and Council officers. It would effectively attach to the space and provide a set of rules that must be observed by those using the space.</p>
Changes to physical environment	Explore changes to physical environment to discourage congregation	Options have previously been explored regarding discouraging congregation, but no appropriate solutions have been found. This includes options such as additional fencing or barrier.

		<p>It is not possible to significantly change the physical environment due to the current highways layout. Any changes would require significant spend, and also have to be carefully planned in partnership with the Highway Authority, Hampshire County Council. Some of the land concerned is also private and owners are not in a position fund significant changes to external building structures.</p> <p>Lighting is not a significant issue, with lighting provision in the area satisfactory and issues occurring both during day and night-time hours.</p> <p>The area is well provisioned with functioning CCTV and a recent review of locations did not suggest additional requirements.</p>
Do nothing	Take no action with regard to the antisocial behaviour in Aldershot Town Centre	<p>The Council area already receiving significant complaints from residents, visitors and businesses regarding antisocial behaviour.</p> <p>To do nothing would further impact persons within the vicinity, lead to further incidents and also potentially affect the reputation of Rushmoor Borough Council.</p> <p>With significant money being spent on regeneration within the town centre, it is key that antisocial behaviour is addressed.</p>

# Aldershot Town Centre Public Space Protection Order - Tell us what you think

March 2022

Consultation report by Policy and Communications

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## Summary

The response rate was higher than the last time the council consulted on Public Space Protection Orders (PSPOs). However younger people and those from the Nepali community were unrepresented.

Overall, 71.3% of respondents visited Aldershot town centre at least once a week and 79.8% had witnessed antisocial behaviour in the town centre the last year.

Of those who had witnessed antisocial behaviour the most common type was litter (84.1%), followed by verbal abuse and noise (both 78.4%) then followed by public urination (47.3%). The least common type was public defecation, but this was witnessed by 27 respondents in the last year (10.2%). 76.9% of respondents believed that the antisocial behaviour that they witnessed was a result of street drinking.

Although less frequently than antisocial behaviour due to street drinking, 46.2% of respondents had witnessed public urination or defecation in Aldershot town centre in the last year.

Overall, 66.3% of respondents indicated that the antisocial behaviour they have witnessed has had a persistent or continuing detrimental effect on their quality of life.

The vast majority of respondents (94.2%) supported the proposed PSPO which allows authorised police and council officers to confiscate alcohol from those that are engaged in antisocial behaviour, and the vast majority of respondents (93.2%) supported the proposed PSPO which allows authorised police and council officers to issue a fixed penalty notice to individuals who urinate or defecate in the street.

The majority of respondents (76.3%) agreed with the proposed PSPO geographical area. However, many respondents also felt that the area should be widened (some respondents felt that Manor Park should be included).

## Introduction

The council is considering creating a Public Space Protection Order (PSPO) in Aldershot town centre to be able to deal with alcohol-related antisocial behaviour. The proposed PSPO is designed to make sure that the law-abiding majority can enjoy our public spaces without experiencing alcohol related antisocial behaviour. It would give the police and authorised council officers powers to ask people to stop drinking and to confiscate their alcoholic drinks if they consider they are acting antisocially in the area covered by the PSPO. It would also give police and authorised council officers the ability to issue Fixed Penalty Notices for public urination and defecation.

If approved, the PSPO would last for three years and would mean that it would be an offence to fail to comply with a request to stop drinking or to hand over alcohol, including any opened or sealed containers. It would also be an offence to urinate or defecate in a public place. Offenders could face a Fixed Penalty Notice (FPN) of £100 for failing to comply with the PSPO, or fines of up to £1,000 if prosecuted and convicted.

The consultation was open to all, and responses were encouraged from local people, businesses and visitors to Aldershot town centre. Also, responses from stakeholders responding on behalf of particular groups that could be affected by the proposed PSPO.

## Methodology

An online survey was designed (appendix A) to capture people's views on the current level of anti-social behaviour and to capture views on the proposed PSPO. The survey was advertised through the Council social media channels and details of the survey were sent to people who have signed up to receive news and details of consultations from the Council.

## Responses

In total 358 respondents completed the survey. In 2017 the Council consulted on PSPOs in Aldershot and Farnborough, a total of 225 people responded to this survey.

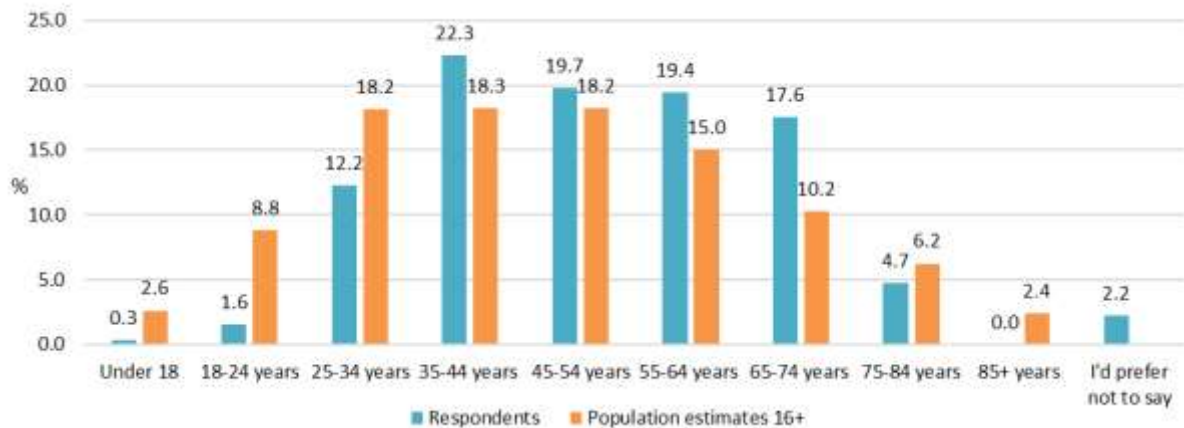
Of the 358 respondents, 342 (95.5%) completed the survey as individuals, five (1.4%) on behalf of an organisation, local association, community or group, five (1.4%) on behalf of a business in the borough, three (0.8%) as a borough / county councillor and three (0.8%) as other.

## Characteristics of respondents

### Age

In total 319 respondents completed this question. Those under 34 years of age are underrepresented. One person under 18 completed the survey.

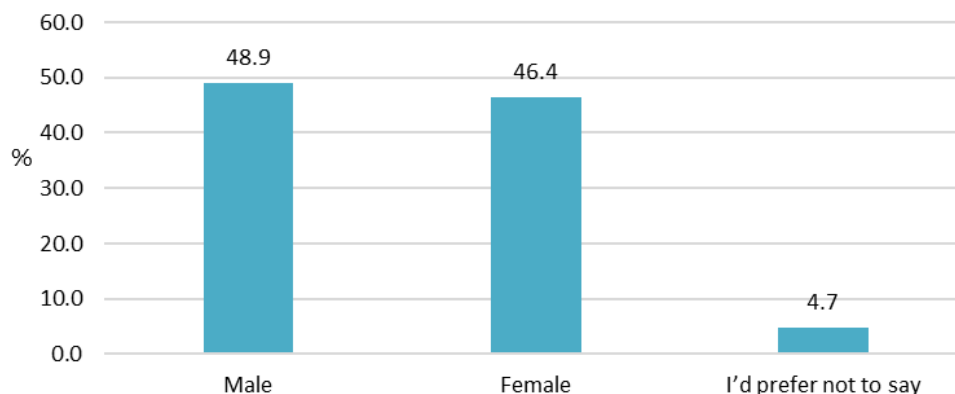
### Which one of the following age bands do you belong to?



### Gender

In total 317 respondents completed this question. 48.9% (155) of respondents indicated that they were male and 46.4% (147) of respondents indicated that they were female. According to the ONS mid-year population estimates 2020, 50.5% of the population is male and 49.5% of the population is female.

#### Your gender



### Ethnic Group

In total 319 respondents completed this question. When compared to the data from the 2011 Census, those who identified as Nepali are underrepresented. 1.6% (1.9% if the person who wrote in the 'any other background' box is included) of respondents identified as Nepali compared to the 6.5% who identified as Nepali in the 2011 Census.

What is your ethnic group?	Number	%	2011 Census
White - British	258	80.9	80.5
White – Irish	7	2.2	0.8
White – Gypsy/Traveller	1	0.3	0.2
White – other	16	5.0	3.3
Mixed - white and black Caribbean	0	0.0	0.7

Mixed - white and black African	1	0.3	0.4
Mixed - White and Asian	0	0.0	0.7
Mixed – other	2	0.6	0.5
Asian or British Asian – Nepali	5	1.6	6.5
Asian or British Asian – Indian	4	1.3	1.4
Asian or British Asian – Pakistani	0	0.0	0.7
Asian or British Asian – Bangladeshi	1	0.3	0.2
Asian or British Asian – Chinese	0	0.0	0.5
Asian – other	2	0.6	1
Black or British black – Caribbean	1	0.3	0.6
Black or British black – African	0	0.0	1.2
Black – other	1	0.3	0.2
Arab	0	0.0	0.1
Any other background (please tell us)	5	1.6	0.5
I'd prefer not to say	15	4.7	-

Five respondents completed the any other background box, their responses were as follows:

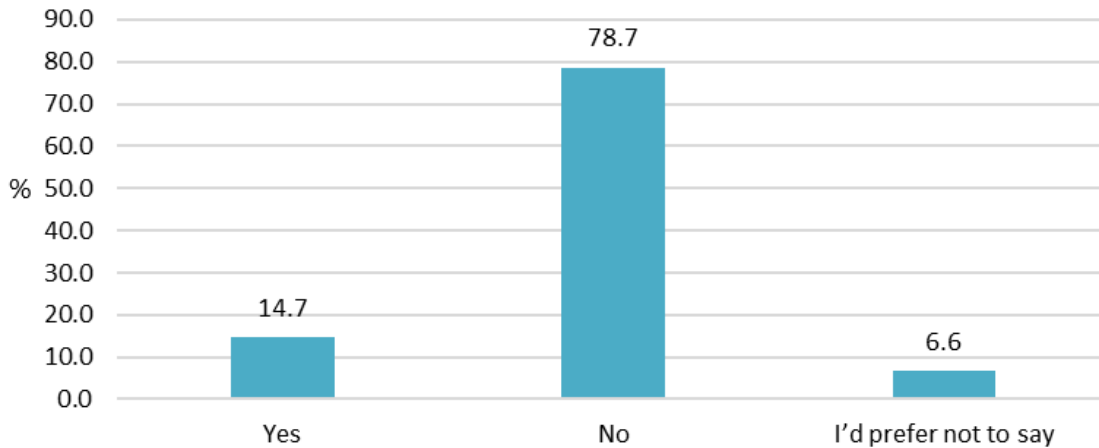
- Nepali/Gurkha
- I fail to see what my ethnicity has to do with this
- White English
- British Brown
- Degree level educated

### Health conditions

In total 319 respondents completed this question. 78.7% (251) of respondents indicated that they didn't have any health conditions or disabilities, which limited their daily activities. 14.7% (47) of respondents indicated that they did have health conditions or disabilities, which limited their daily activities. For reference purposes, 15.6% of those over 16 years of age in the 2011 Census indicated that had a long-term health problem or disability that limited their day-to-day activities a little or a lot.

**Do you consider yourself to have any health conditions or disabilities, which limit your daily activities?**



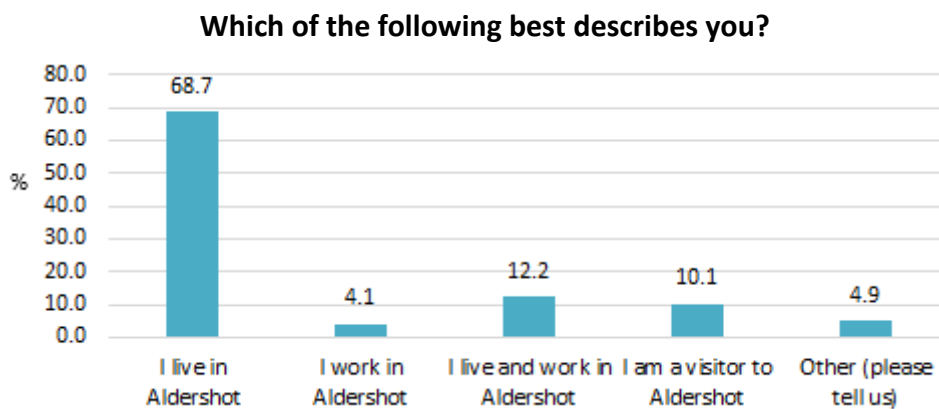


## Results

### Visiting Aldershot town centre

#### Question 4: Which of the following best describes you?

In total 345 respondents completed this question. The majority of respondents lived in Aldershot. 80.9% of respondents (279) indicated that they lived in Aldershot or lived and worked in Aldershot.

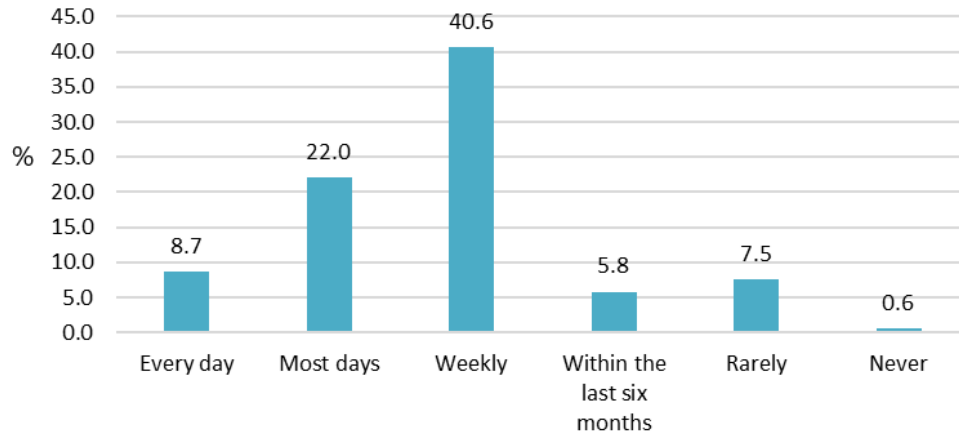


Of the 17 respondents who indicated 'other', the main theme of the responses were respondents indicating that they live in Farnborough (12), four also said that they visited Aldershot.

#### Question 5: How often do you visit Aldershot town centre?

In total 345 respondents completed this question. Overall, 71.3% of respondents (246) visit Aldershot town centre weekly, if not more. 8.7% (30 respondents) visited everyday, 22.0% (76 respondents) visited most days and 40.6% (140 respondents) visited weekly. Two respondents (0.6%) indicated that they never visited Aldershot town centre.

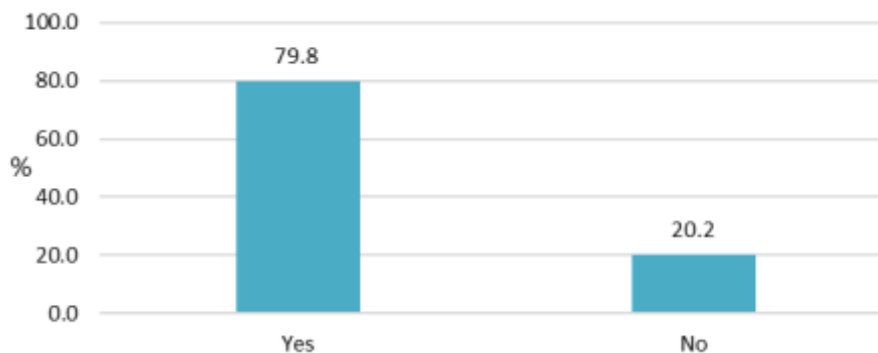
#### How often do you visit Aldershot town centre?



**Question 6: Have you witnessed antisocial behaviour in Aldershot town centre in the last year?**

In total 346 respondents completed this question. The majority of respondents (276-79.8%) indicated that they had witnessed antisocial behaviour in Aldershot town centre in the last year, 70 respondents (20.2%) had not witnessed antisocial behaviour.

**Have you witnessed antisocial behaviour in Aldershot town centre in the last year?**



Of those who indicated that they visit Aldershot town centre at least once a week, 85.4% (210 respondents) had witnessed antisocial behaviour the last year.

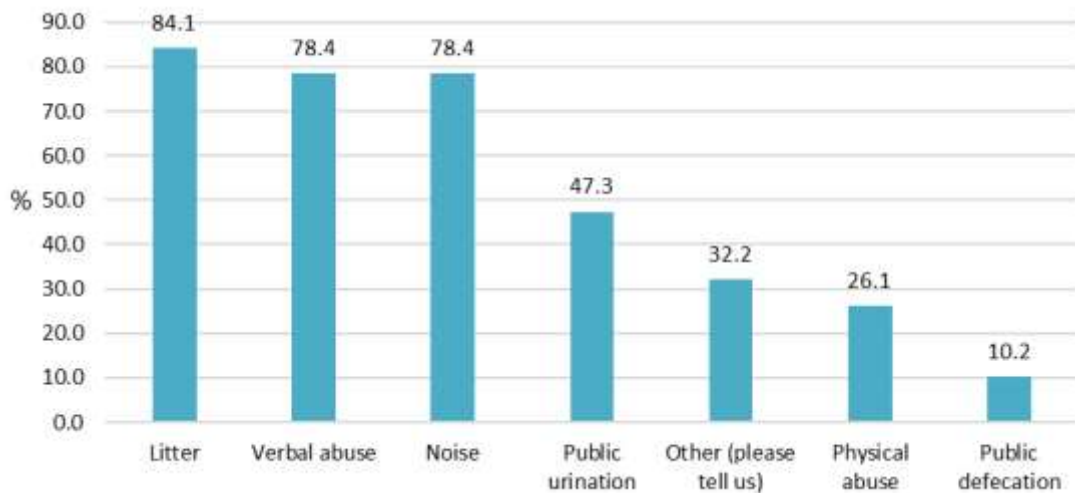
**The following questions were for those who had ticked that they had witnessed antisocial behaviour in Aldershot town centre in the last year**

**Antisocial behaviour in Aldershot town centre**

**Question 7: What types of antisocial behaviour have you witnessed?**

In total 264 respondents completed this question. The most common type of antisocial behaviour witnessed was litter (84.1% - 222 respondents), followed by verbal abuse and noise (both 78.4% - 207 respondents), then followed by public urination (47.3% - 125 respondents).

### What types of antisocial behaviour have you witnessed?



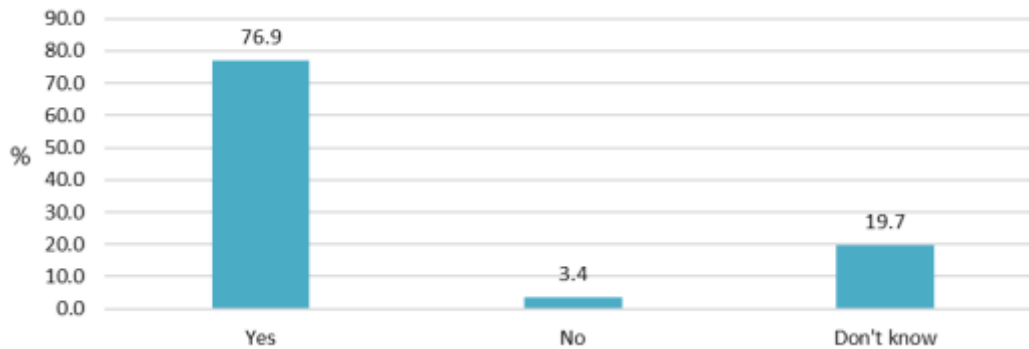
Of the 85 (32.2%) respondents that tick 'other' the main themes of the responses were:

- Drug use and dealing (mentioned in 51 comments)
- Street drinking and drunk people (mentioned in 36 comments)
- Begging (mentioned in 4 comments)
- Dog mess (mentioned in 3 comments)

### Question 8: Do you believe that the antisocial behaviour you witnessed was a result of street drinking?

In total 264 respondents completed this question. The majority of respondents (203-76.9%) indicated that they believed that the antisocial behaviour they witnessed was a result of street drinking. 19.7% (52 respondents) didn't know and 3.4% (9 respondents) didn't believe that the antisocial behaviour they witnessed was a result of street drinking.

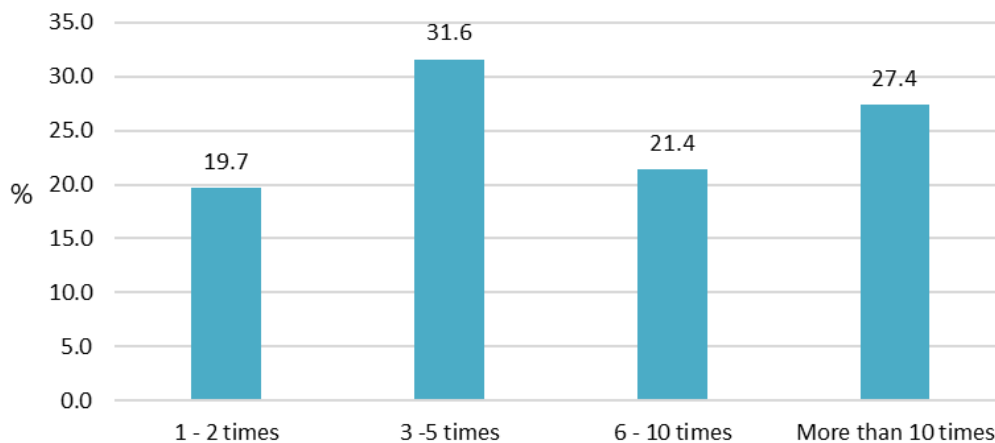
**Do you believe that the antisocial behaviour you witnessed was a result of street drinking?**



**Question 9: If yes, how often have you witnessed antisocial behaviour that you believe was a result of street drinking this in the last year?**

In total 234 respondents completed this question. 31.6% (74 respondents) had witnessed antisocial behaviour as result of street drinking 3-5 times in the past year, 27.4% (64 respondent) had witnessed antisocial behaviour as result of street drinking more than 10 times, 21.4% (50 respondents) had witnessed antisocial behaviour as result of street drinking 6-10 times and 19.7% (46 respondents) had witnessed antisocial behaviour as result of street drinking 1-2 times.

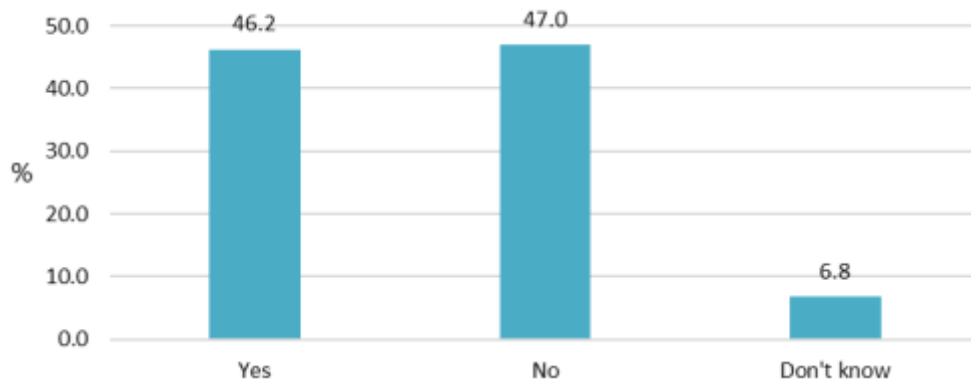
**If yes, how often have you witnessed antisocial behaviour that you believe was a result of street drinking this in the last year?**



**Question 10: Have you witnessed public urination or defecation in Aldershot town centre in the last year?**

In total 234 respondents completed this question. Slightly less respondents (46.2% - 122 respondents) had witnessed public urination or defecation in Aldershot town centre in the last year, than had not witnessed it (47.0% - 124 respondents).

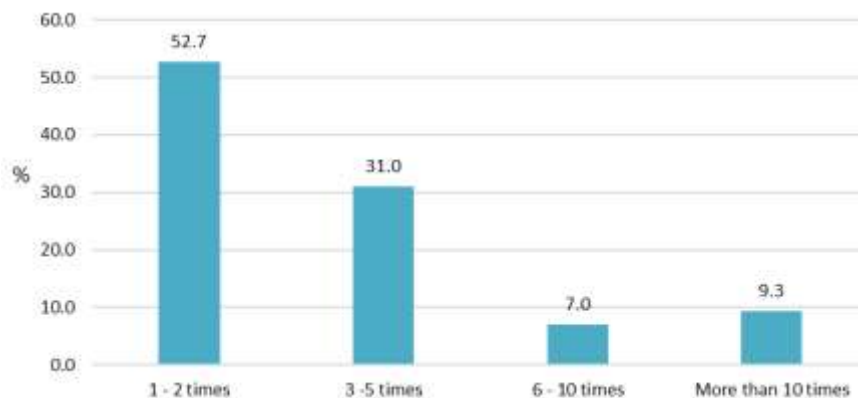
**Have you witnessed public urination or defecation in Aldershot town centre in the last year?**



**Question 11: If yes, how often have you witnessed public urination or defecation in the last year?**

In total 129 respondents completed this question. 52.7% (68 respondents) had witnessed public urination or defecation in the last year 1-2 times, 31.0% (40 respondents) had witnessed public urination or defecation 3-5 times, 9.3% (12 respondents) had witnessed public urination or defecation more than 10 times and 7.0% (9 respondents) had witnessed public urination or defecation 6-10 times.

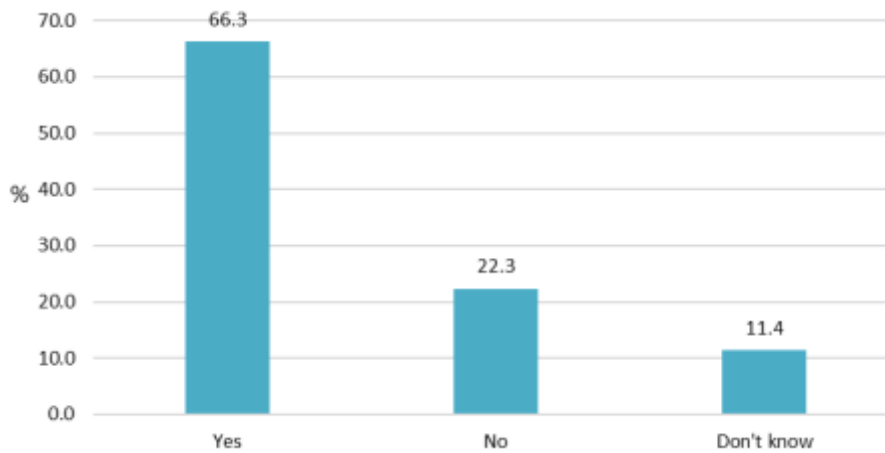
**If yes, how often have you witnessed public urination or defecation in the last year?**



**Question 12: Has the antisocial behaviour you have witnessed had a persistent or continuing detrimental effect on your quality of life?**

In total 264 respondents completed this question. The majority of respondents (175-66.3%) indicated that the antisocial behaviour they have witnessed has had a persistent or continuing detrimental effect on their quality of life. 22.3% (59 respondents) didn't think that the antisocial behaviour they have witnessed has had a persistent or continuing detrimental effect on their quality of life and 11.4% (30 respondents) didn't know.

**Has the antisocial behaviour you have witnessed had a persistent or continuing detrimental effect on your quality of life?**

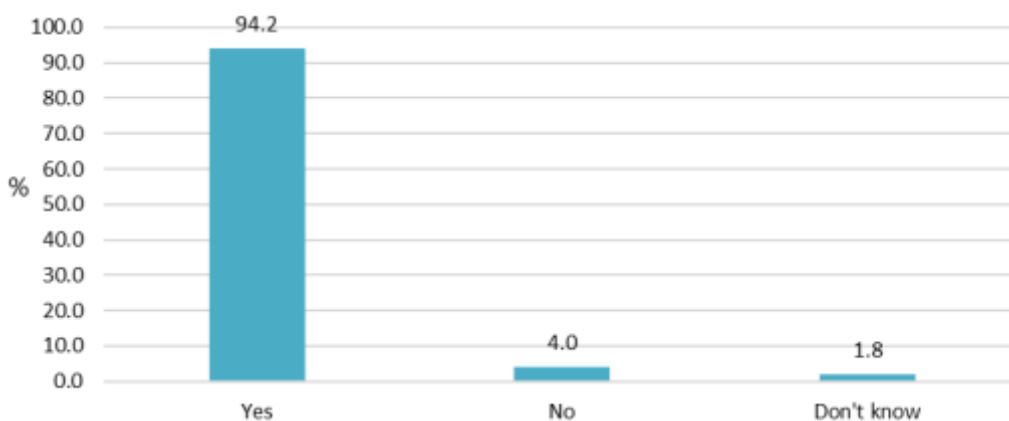


**Proposed PSPO**

**Question 13: Do you support the proposed PSPO which allows authorised police and council officers to confiscate alcohol from those that are engaged in antisocial behaviour?**

In total 325 respondents completed this question. The vast majority of respondents (306-94.2%) supported the proposed PSPO which allows authorised police and council officers to confiscate alcohol from those that are engaged in antisocial behaviour. 4.0% (13 respondents) didn't support the proposed PSPO and 1.8% (6 respondents) didn't know if they supported it.

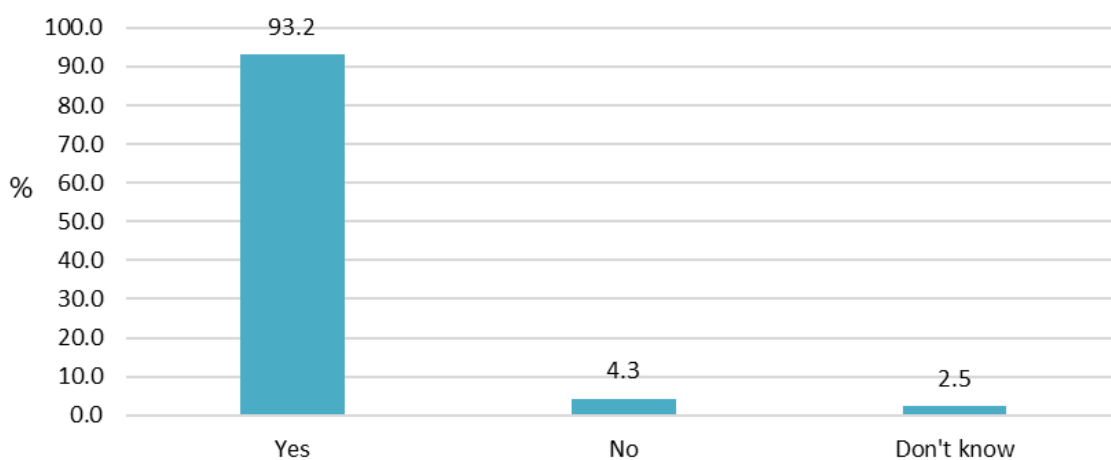
**Do you support the proposed PSPO which allows authorised police and council officers to confiscate alcohol from those that are engaged in antisocial behaviour?**



**Question 14: Do you support the proposed PSPO which allows authorised police and council officers to issue a fixed penalty notice to individual who urinate or defecate in the street?**

In total 325 respondents completed this question. The vast majority of respondents (303-93.2%) supported the proposed PSPO which allows authorised police and council officers to issue a fixed penalty notice to individual who urinate or defecate in the street. 4.3% (14 respondents) didn't support the proposed PSPO and 2.5% (8 respondents) didn't know if they supported it.

**Do you support the proposed PSPO which allows authorised police and council officers to issue a fixed penalty notice to individual who urinate or defecate in the street?**

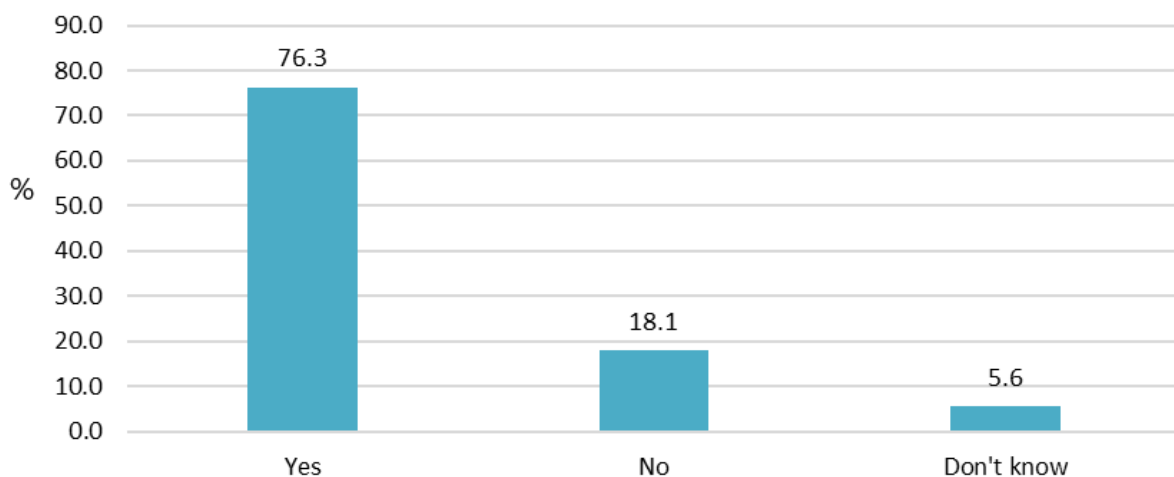


It should be noted that one of the respondents that they did not support the proposed PSPO which allows authorised police and council officers to issue a fixed penalty notice to individual who urinate or defecate in the street, indicated they were answering the survey on behalf of the Nepali community. However, the five other respondents that indicated that they were Nepali, supported the proposed PSPO. As the number of Nepali respondents in relations to the population in the area was very low, further work may be needed to engage this community.

**Question 15: Do you agree with the proposed geographical area that the PSPO will cover?**

In total 321 respondents completed this question. The majority of respondents (245-76.3%) agreed with the proposed PSPO geographical area, 18.1% (58 respondents) didn't agree with the proposed PSPO geographical area and 5.6% (18 respondents) didn't know.

**Do you agree with the proposed geographical area that the PSPO will cover?**



**Question 16: Have you got any comments on the Council's current approach for dealing with antisocial behaviour associated with drinking in public spaces? If you are able to provide evidence in support of this, please do so.**

In total 175 respondents completed this question the main themes (those mentioned over 5 times) of the answers were:

- The PSPO should cover a wider area and concern about pushing the problem on (mentioned in around 63 comments)
  - Manor Park gets mentioned in around 35 comments
- Drugs should be included / what are you doing about drug use / drug use is a problem (mentioned in around 27 comments)
- More police needed / the police and the council need to do more (mentioned in around 26 comments)
- Respondents not feeling safe in the town centre (mentioned in around 15 comments)
- Currently not seeing any action or don't know what the approach is for antisocial behaviour (mentioned in around 15 comments)
- General comments of support (mentioned in around 14 comments)
- Support needed for those for people causing the antisocial behaviour (mentioned in around 7 comments)
- Need to be a harder/ tougher approach (mentioned in around 6 comments)
- More public toilets needed (mentioned in around 6 comments)



## Appendix A – copy of the survey



### Aldershot Town Centre Public Space Protection Order - Tell us what you think

Proposed PSPO for Aldershot town centre

**The council is considering creating a Public Space Protection Order (PSPO) in Aldershot town centre to be able to deal with alcohol-related antisocial behaviour and would like your views.**

The proposed PSPO is designed to make sure that the law-abiding majority can enjoy our public spaces without experiencing alcohol-related antisocial behaviour.

It would give the police and authorised council officers powers to ask people to stop drinking and to confiscate their alcoholic drinks if they consider they are acting antisocially in the area covered by the PSPO. It would also give police and authorised council officers the ability to issue Fixed Penalty Notices for public urination and defecation.

If approved, the PSPO would last for three years and would mean that it would be an offence to fail to comply with a request to stop drinking or to hand over alcohol, including any opened or sealed containers. It would also be an offence to urinate or defecate in a public place.

Offenders could face a Fixed Penalty Notice (FPN) of £100 for failing to comply with the PSPO, or fines of up to £1,000 if prosecuted and convicted.

We can only impose restrictions which are 'reasonable and justified' and we have not made any decisions at this time, but we would like your views.

#### **Who we want to hear from**

The consultation is open to all, but we would particularly encourage local people, businesses and visitors to Aldershot town centre to respond. We would also welcome responses from stakeholders responding on behalf of particular groups that could be affected by the proposed PSPO.

#### **Have your say and what happens next**

We would like to hear your views on the proposed PSPO. Please complete the survey and provide us with your feedback.

You can find more information about this proposal including a draft of the order, an Equality Impact Assessment, and a map of areas we are proposing for the PSPO at [www.rushmoor.gov.uk/PSPO](http://www.rushmoor.gov.uk/PSPO).

The consultation is open until **Monday 21 March**.

To view our consultation survey privacy notice, please visit [www.rushmoor.gov.uk/consultationprivacynotice](http://www.rushmoor.gov.uk/consultationprivacynotice)

\* 1. I am responding... (please tick one)

- As an individual
- As a borough / county councillor
- On behalf of an organisation, local association, community or group
- On behalf of a business in the borough
- Other (please tell us in the box below)



Aldershot Town Centre Public Space Protection Order - Tell us what you think

\* 2. Please provide the name of the business, organisation, local association, community or group you are responding for (please write in the box below)

\* 3. Are you happy for us to include the name of your business, organisation, local association, community or group in our consultation report in the list of respondents?

- Yes
- No



Aldershot Town Centre Public Space Protection Order - Tell us what you think

Visiting Aldershot town centre

4. Which of the following best describes you? *(please tick one)*

- I live in Aldershot
- I work in Aldershot
- I live and work in Aldershot
- I am a visitor to Aldershot
- Other (please tell us)

5. How often do you visit Aldershot town centre? *(please tick one)*

- Every day
- Most days
- Weekly
- Monthly
- Within the last six months
- Rarely
- Never

\* 6. Have you witnessed antisocial behaviour in Aldershot town centre in the last year?

- Yes
- No



Aldershot Town Centre Public Space Protection Order - Tell us what you think

Antisocial behaviour in Aldershot town centre

7. What types of antisocial behaviour have you witnessed? (tick all that apply)

- Verbal abuse
- Physical abuse
- Noise
- Litter
- Public urination
- Public defecation
- Other (please tell us)

\* 8. Do you believe that the antisocial behaviour you witnessed was a result of street drinking?

- Yes
- No
- Don't know

9. If yes, how often have you witnessed antisocial behaviour that you believe was a result of street drinking this in the last year?

- 1 - 2 times
- 3 - 5 times
- 6 - 10 times
- More than 10 times

\* 10. Have you witnessed public urination or defecation in Aldershot town centre in the last year?

- Yes
- No
- Don't know

11. If yes, how often have you witnessed public urination or defecation in the last year?

- 1 - 2 times
- 3 - 5 times
- 6 - 10 times
- More than 10 times

12. Has the antisocial behaviour you have witnessed had a persistent or continuing detrimental effect on your quality of life?

- Yes
- No
- Don't know



Aldershot Town Centre Public Space Protection Order - Tell us what you think

### Proposed PSPO

\* 13. Do you support the proposed PSPO which allows authorised police and council officers to confiscate alcohol from those that are engaged in antisocial behaviour?

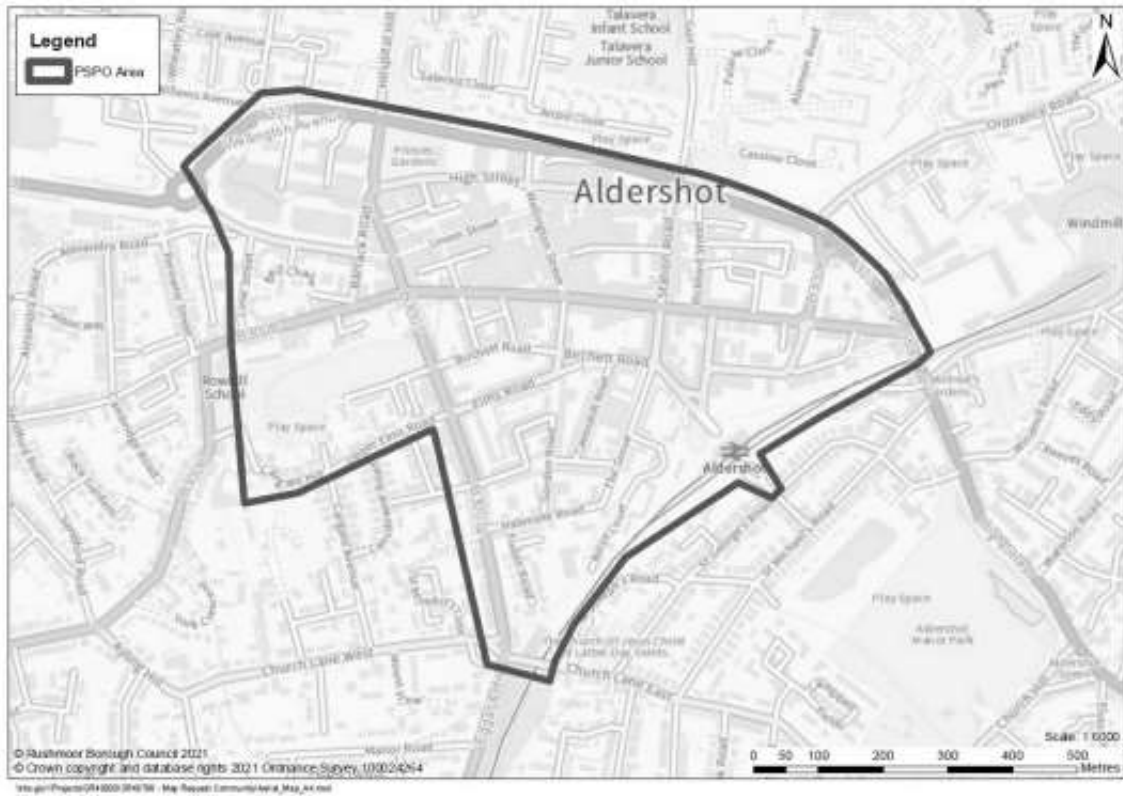
- Yes
- No
- Don't know

\* 14. Do you support the proposed PSPO which allows authorised police and council officers to issue a fixed penalty notice to individual who urinate or defecate in the street?

- Yes
- No
- Don't know

We have identified the below area in Aldershot town centre affected by antisocial behaviour and a proposing to implement a PSPO in this area.

Proposed PSPO area



15. Do you agree with the proposed geographical area that the PSPO will cover?

- Yes
- No
- Don't know

16. Have you got any comments on the Council's current approach for dealing with antisocial behaviour associated with drinking in public spaces? If you are able to provide evidence in support of this, please do so (please write in the box below)



Aldershot Town Centre Public Space Protection Order - Tell us what you think

## About you

As part of the Equality Act 2010, we must make sure our services are open and accessible to everyone, that we treat people fairly and appropriately and in consultations, we hear all views.

The following questions will help us to check that we are doing this and will also help us to understand better the answers we receive. We will treat this information as anonymous and confidential and will not identify individuals.

You do not have to answer these questions if you would prefer not to.

### 17. Which one of the following age bands do you belong to?

- Under 18 years
- 18 -24 years
- 25 – 34 years
- 35 – 44 years
- 45 – 54 years
- 55 – 64 years
- 65 - 74 years
- 75 - 84 years
- 85+ years
- I'd prefer not to say

### 18. Your gender

- Male
- Female
- I'd prefer not to say

19. What is your ethnic group?

- White - British
- White – Irish
- White - Gypsy/Traveller
- White – other
- Mixed - white and black Caribbean
- Mixed - white and black African
- Mixed - White and Asian
- Mixed – other
- Asian or British Asian – Nepali
- Asian or British Asian – Indian
- Asian or British Asian – Pakistani
- Asian or British Asian – Bangladeshi
- Asian or British Asian – Chinese
- Asian – other
- Black or British black – Caribbean
- Black or British black – African
- Black – other
- Arab
- I'd prefer not to say
- Any other background (please tell us)

20. Do you consider yourself to have any health conditions or disabilities, which limit your daily activities?

- Yes
- No
- I'd prefer not to say



Aldershot Town Centre Public Space Protection Order - Tell us what you think

**Thank you for completing our survey**

We would like to keep you up-to-date with the latest council news and information about events and activities taking place in Aldershot and Farnborough. You can also sign up to take part in council consultations. To sign up please follow the link below:

[Sign up to news from the council.](#)



# Full Equality Impact Assessment

## Guidance Notes

As a public sector organisation, we have a legal duty (under the Equality Act 2010) to show that we have identified and considered the impact and potential impact of our activities on all people with 'protected characteristics'.

This applies to policies, services and our employees. The level of detail of this consideration will depend on what you are assessing, who it might affect, and how serious any potential impacts might be. We use this Equality Impact Assessment (EIA) template to complete this process and evidence our consideration. The EIAs analyse how all our work as a council might impact differently on different groups, help us make good decisions and evidence how we have reached these decisions.

### When to complete an EIA:

- When planning or developing a new service, policy or strategy
- When ending or substantially changing a service, policy or strategy
- When there is an important change in the service, policy or strategy, or in the borough, or at a national level (eg: a change of legislation)

### Do you need to complete an EIA? Consider:

- Is the policy, decision or service likely to be relevant to any people because of their protected characteristics?
- How many people is it likely to affect?
- How significant are its impacts?
- Does it relate to an area where there are known inequalities?
- How vulnerable are the people (potentially) affected?

If there are potential impacts on people but you decide not to complete an EIA it is usually sensible to document why.

## Equality Impact Assessment Template

<b>Title of EIA</b>	Aldershot Town Centre Public Space Protection Order
<b>Date of EIA</b>	January 2022
<b>Department/Service</b>	Community Safety
<b>Focus of EIA</b>	<p>Introduction of a new PSPO to tackle town centre antisocial behaviour, replacing a previous PSPO which expired in 2020. The purpose of the PSPO is to provide the police and authorised officers with powers to tackle town centre antisocial behaviour including public drinking, and public urination and defecation. The PSPO will seek to address the antisocial behaviour of the street attached community as well as any wider alcohol related antisocial behaviour. The PSPO would contribute to making the town safer and a more pleasant place to live, work and visit.</p> <p>The Anti-Social Behaviour, Crime and Policing Act 2014 sets out that a local authority can make a PSPO if satisfied, on reasonable grounds, that the following two conditions are met:</p> <p>(1) that activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or it is likely that activities will be carried on in a public place within that area and that they will have such an effect.</p> <p>(2) that the effect, or likely effect, of the activities is, or is likely to be, of a persistent or continuing nature; is, or is likely to be, such as to make the activities unreasonable; and justifies the restrictions imposed by the notice.</p> <p>The council must carry out necessary consultation, publicity, and notification before a PSPO is made. Consultation will be carried out with the police, ward councillors and local businesses, along with public consultation.</p> <p>Once the consultation has ended the results will be analysed and published on the Rushmoor Borough Council website and a decision will be made about whether to progress the PSPO.</p> <p>The Equality Act 2010 also establishes the Public Sector Equality Duty, which Rushmoor Borough Council, as a public body, is required to observe .The Duty requires that in the exercise of its functions, the Council has due regard for the need to:</p> <ul style="list-style-type: none"> <li>● Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;</li> </ul>

	<ul style="list-style-type: none"> <li>● Advance equality of opportunity between people who share a Protected Characteristic and those who do not; and</li> <li>● Foster good relations between people who share a Protected Characteristic and those who do not.</li> </ul> <p>Having due regard for advancing equality involves:</p> <ul style="list-style-type: none"> <li>● Removing or minimising disadvantages suffered by persons who share a relevant Protected Characteristic;</li> <li>● Taking steps to meet the needs of people who share a relevant Protected Characteristic that is different from the needs of people who do not share it; and</li> <li>● Encouraging persons who share a Protected Characteristic to participate in public life or in any other activity in which their participation by such persons is disproportionately low.</li> </ul> <p>The Council has implemented this by assessing the likely impacts that this PSPO will have on those with a Protected Characteristic and considering whether there is a disproportionate impact on any particular groups and if so, whether or not it can be justified. This has been set out in more detail below along with support that is already in place or can be put in place.</p> <p>Public consultation on the proposed draft PSPO was completed between 7<sup>th</sup> February 2022 and 21<sup>st</sup> March 2022. 358 people completed the consultation with overwhelming support for the measures outlined. 94% of respondents support the proposed condition on alcohol consumption and 93% of respondents support the proposed condition around public urination/defecation.</p>
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**1.Previous EIA and outcomes**

What actions did you plan last time and what improved as a result?  
(If there is no previous EIA write Not applicable)

**Not applicable**

**2.Equality analysis and potential actions**

Assessment of overall impacts on those with the following protected characteristics and what potential actions could be undertaken to mitigate impact.

Age	<p><b>Positive Impact</b></p> <p>Although the PSPO is designed to prohibit certain behaviours it also seeks to make Aldershot a safer and more welcoming place. We know that some sections of the community feel that Aldershot is not a safe and welcoming place which has a negative impact on those individuals and reduces the likelihood on them choosing to visit the town e.g older</p>
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	<p>people or families with young children. The PSPO could have a positive impact for these individuals.</p> <p><b>Negative Impact</b></p> <p>The age of those who are often street drinking in the town centre varies and it is not felt it will disproportionately affect a particular age group. In terms of urination/defecation this is reportedly from a varied age group, including street attached individuals as well as those attending night-time economy venues.</p>
Disability	<p><b>Positive Impact</b></p> <p>The PSPO will positively impact those individuals with additional support needs, protected or hidden characteristics and disabilities by making them feel safer when accessing the town centre and other key public locations.</p> <p><b>Negative Impact</b></p> <p>The PSPO could adversely impact those with mental health concerns and alcohol dependency, particularly those associated with the street attached community. Adverse impacts could be in terms of displacement to other areas of the borough, inability to pay fines leading to financial concerns and potential further impacts on mental health.</p> <p>Regular street drinkers are often known to local support services and the Council, with some of them in supported accommodation and engaged. Likewise, those with mental health conditions. The Council will continue to engage individuals through its outreach services and otherwise. As part of the PSPO, a guide to local support services will be produced that can be provided to street attached individuals, with them being encouraged to seek further support where desired.</p>
Gender Reassignment	No impact anticipated
Marriage or civil partnership	No impact anticipated
Pregnancy or maternity	No impact anticipated
Race	No impact anticipated
Religion or belief	No impact anticipated
Sex	No impact anticipated
Sexual orientation	No impact anticipated
<b>3. Assessment of overall impact and potential actions</b>	
The proposed PSPO may have an impact on the two protected groups outlined above. In relation to “age”, there is no disproportionate impact. Any impact is likely to be positive.	

In relation to disability, there is a disproportionate impact however this can be justified. Firstly, the proposed PSPO conditions would be the least restrictive measures appropriate to address the antisocial behaviour issues in the town centre. There are two proposed prohibitions which it is hoped will seek to address the main antisocial behaviours of concern. It is hoped that by addressing the two issues of antisocial street drinking and urinating/defecating in a public place, it will reduce other associated antisocial behaviours without the need to specifically prohibit them in a PSPO .

Secondly, where it may affect those with mental health issues or alcohol dependency, there is support in place to assist them and the council will seek to work with those individuals to refer them to appropriate support agencies. The council work with key partners such as Inclusion, Homegroup and Society of St James to provide support to those with addictions as well as ensuring appropriate housing is provided. Positive engagement with this community could mean that this is translated into a positive impact.

The Council also have an Outreach Team who engage with street homeless and street attached when needed, as well as a specialist “Housing Navigator” who is able to work one on one with individuals who meet the criteria. Work includes addressing mental health and substance misuse concerns.

Officers will be encouraged to engage with individuals as the first approach, before moving to an enforcement stage if they are not compliant. The authorised Officers who will enforce the proposed PSPO will continue to consider the needs of the individuals and their circumstances to make an informed and balanced decision as to the appropriateness of action to take. Officers will continue to receive training on equality and diversity.

In terms of the rights protected by the Human Rights Act 1988, the 2014 Act requires the Council to have particular regard to Article 10 (freedom of expression) and Article 11 (freedom of assembly/association). The proposed PSPO does not interfere with a person’s freedom of expression, the possible right that might be engaged is Article 11. The proposed PSPO places restrictions on how people can use our open spaces, not their ability to use them or gather there. As such, the PSPO does not interfere with Article 11 rights to assemble and/or associate with others. However, even if Article 11 were interfered with, the interference would be justified as being prescribed by law and in pursuance of a legitimate aim (namely in the interests of public safety, the protection of public health, the prevention of crime and disorder, and the protection of the rights and freedoms of others). The terms of the proposed PSPO are proportionate and necessary.

The operation of the proposed PSPO will be kept under review. The advice, warnings and enforcement of the proposed PSPO will be logged in the pocket notebooks of Officers and on Council and Police databases.

#### 4.Consultation & community feedback

What consultation has taken place or will take place with each identified group?

Age	During consultation 319 respondents out of 358 completed the age question. There was generally broad representation across age groups 34 and above. The most common age group completing the survey was 35 – 44 years, and there was good representation of those aged 45 and above. There was less representation in the 25 – 34 year old age group, and only one person under 18 completed the survey.
Disability	During consultation 319 respondents out of 358 completed the disability question. 251 respondents (78.7%) stated that they didn’t have health conditions or disabilities. 47 (14.7%) respondents indicated they did have health conditions or disabilities – for reference 15.6% of those over 16 years in the 2011 census indicated that they had a long-term health

	problem or disability. This would seem to indicate an appropriate level of consultation with those in this category.	
Gender Reassignment	No impact anticipated	
Marriage or civil partnership	No impact anticipated	
Pregnancy or maternity	No impact anticipated	
Race	No impact anticipated	
Religion or belief	No impact anticipated	
Sex	No impact anticipated	
Sexual orientation	No impact anticipated	
<b>5. We understand the Council requires this Equality Impact Assessment and we take responsibility for its completion and quality.</b>		
<b>Completed by: name and role</b>	<b>David Lipscombe Community Safety Manager</b>	<b>Date 04.02.22</b>  <b>Updated with consultation information 22.04.22</b>
<b>Signed off by: Head of Service</b>	<b>Rachael Barker Assistant Chief Executive</b>	<b>Date 04.02.22</b>

**CABINET**  
7<sup>th</sup> June 2022

**COUNCILLOR MARTIN TENNANT**  
**MAJOR PROJECTS & PROPERTY**  
**PORTFOLIO HOLDER**

**KEY DECISION: YES/NO**

**REPORT NO. ED2203**

## **UNION YARD - COMMERCIAL SETTLEMENT AGREEMENT**

### **SUMMARY AND RECOMMENDATIONS:**

During the demolition and site clearance works for Union Yard, the party wall between the development site and 35-39 High Street, Aldershot was found to be in need of urgent repair. An urgency decision to enable the repair of the wall was taken by the Executive Director in accordance with the Council's Access to Information Procedure Rules, Arrangements for Urgency and Exceptions Sections (1) and (3) and was noted by the Cabinet at its meeting on 14 December 2021. A further decision reporting the final cost of the works was noted by Cabinet at its meeting in March 2022

The purpose of this report is for Cabinet to note a Record of Executive Decision made to minimise further delays and associated costs to the contract by agreeing a commercial settlement with the contractor, Hill Partnerships Ltd, in relation to an Extension of Time made associated with the delays caused by the repairs to the party wall

### **1. INTRODUCTION**

- 1.1 The purpose of this report is for Cabinet to note the Record of Executive Decision in relation to a commercial settlement agreed with Hill Partnerships Ltd in relation to their Extension of Time (EOT) Claim.

### **2. BACKGROUND**

- 2.1 A decision taken on 10<sup>th</sup> December 2021 and reported to Cabinet (report ED 2102) set out the need to undertake urgent works required to an exposed party wall at 35-39 High Street, Aldershot (not part of the main Union Yard construction contract). Due to the concerns with the stability of the wall, an exclusion zone was placed around the wall and piling works on the main construction site were ceased on 27<sup>th</sup> January 2022. The wall has now been demolished and rebuilt and piling will recommence on 14<sup>th</sup> June. The cessation of piling and the time associated with the works resulted in an estimated potential delay of 21 weeks against the original timescale.
- 2.2 Under the Joint Contracts Tribunal (JCT) Design and Build Contract the Council has entered into with Hill Partnerships, the contractor is eligible to submit an Extension of Time (EOT) claim to recover their direct and indirect (sub-

contractor) losses due to delays not caused by themselves. Hill submitted their EOT claim on 4<sup>th</sup> March 2022 and instead of a 21-week delay, have claimed a 15-week delay by resequencing the construction programme. The initial financial claim associated with the EOT was £1.4m but Hill indicated as they are a partner in the Rushmoor Development Partnership that they were open to working with the Council to reduce the claim.

- 2.3 The impact of the delay is that the original completion date of 13<sup>th</sup> June 2024 was extended to 23<sup>rd</sup> September 2024. This completion date for the scheme raises a significant issue as it would mean that the student accommodation will not be ready for the start of the Autumn term in 2024. This could result in income from the student accommodation being lost for up to a full year. Based on the due diligence undertaken in support of the Union Yard project, the gross income from the student accommodation is forecast at approx. £900k in year 1. It was therefore important that as well as negotiating the financial claim, all opportunities were explored to ensure the build completed in good time to facilitate students moving in for the Autumn term 2024.
- 2.4 The Council's Employers Agent has been negotiating on the Council's behalf and the following Commercial Settlement has been agreed as fair and reasonable (see attached letter) by both parties and confirmed as such by the Council's legal advisor Browne Jacobsen (e-mail attached):
- (1) The Council grant an Extension of Time to the 22<sup>nd</sup> July 2024 (instead of 23<sup>rd</sup> September 2024)
  - (2) The Loss and Expense claim associated with the delay be agreed as a Commercial Settlement at £783,000.00 (original EOT claim £1.4m)
  - (3) A Deed of Variation be entered into by both parties to remove the current 6-week Liquidated Ascertained Damages (LAD) free period from the contract
- 2.5 An urgent decision was required to enable Hill to activate works packages to ensure no further delays and costs are incurred.

### **3. DETAILS OF THE PROPOSAL**

- 3.1 A decision has been made to agree a commercial settlement with Hill Partnerships Limited. This settlement is in relation to their EOT claim concerning delays resulting from a part cessation and resequencing of their works which were required as a result of the demolition and rebuild of the party wall at 35-39 High Street (not part of the main Union Yard project). The record of Executive Decision is set out as the Appendix to this report for noting by Cabinet.
- 3.2 In coming to this decision, consultation has been carried out with the Council's Executive Leadership Team, Union Yard Project Board and relevant Portfolio Holders and the Chair of Overview and Scrutiny Committee in accordance with the Council's Access to Information Procedure Rules, Arrangements for Urgency and Exceptions Sections (1) and (3).



#### **4. Legal Implications**

- 4.1 A commercial settlement agreement will be signed by both parties, the wording of which has been approved by the Council's legal advisor.
- 4.2 A Deed of Variation will also be required to remove the LAD free period from the JCT contract, and this is being drafted by the Council's legal advisor.

#### **5. Financial and Resource Implications**

- 5.1 The cost of the commercial settlement is £783k. Hill have been requested to reprofile the construction payments to enable the impact on capital budget requirements for 2022/23 and 2023/24 to be assessed and the Head of Finance will then bring forward changes to the agreed budget.

#### **6. Risks**

- 6.1 Had the decision not been made to agree the commercial agreement, Hill would not have been in a position to place key works packages which would have resulted in further delays and costs.
- 6.2 The added delays would also have had an impact on the completion date of July 2024 with the risk of the student accommodation not being delivered in time for the start of the Autumn term.

#### **7 Equalities Impact Implications**

- 7.1 There are no equalities impact implications as a result of this decision.

#### **8. CONCLUSION**

- 8.1 The commercial settlement agreement represents a favourable position compared to the contractual position and Hill Partnership Limited's full entitlement of a Loss and Expense claim. The decision to agree the commercial settlement minimises the risk of further delays and potential costs and financial loss due to late delivery of the student accommodation. Cabinet are requested to note the decision made.

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#### **CONTACT DETAILS:**

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**Executive Director:** Karen Edwards ([karen.Edwards@rushmoor.gov.uk](mailto:karen.Edwards@rushmoor.gov.uk))

#### **APPENDICES**

APPENDIX 1: Browne Jacobsen email

APPENDIX 2: Bailey Garner Letter – Commercial Settlement

APPENDIX 3: Record of Executive Decision

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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# RUSHMOOR BOROUGH COUNCIL RECORD OF EXECUTIVE DECISION



Decision taken by individual Cabinet Member / Officer (delete as appropriate)

(All sections must be completed (mark "N/A" as applicable))

## DECISION MAKER (Name and designation)

Karen Edwards, Executive Director

## DECISION AND THE REASON(S) FOR IT

### Union Yard Commercial Settlement Agreement relating to an Extension of Time Claim

A Decision taken on 10<sup>th</sup> December 2021 and reported to Cabinet (report ED 2102) set out the need to undertake urgent works required to an exposed party wall at 35-39 High Street, Aldershot (not part of the main Union Yard construction contract). The final forecasted costs of the repairs to the wall at £316,500 were reported to Cabinet at its meeting on 15<sup>th</sup> March 2022 (report ED2201).

Due to the concerns with the stability of the wall, an exclusion zone was placed around the wall and piling works on the main construction site were ceased on 27<sup>th</sup> January 2022. The wall has now been demolished and rebuilt and piling will recommence on 14<sup>th</sup> June. The cessation of piling and the time associated with the works resulted in an estimated potential delay of 21 weeks against the original timescale.

Under the Joint Contracts Tribunal (JCT) Design and Build Contract the Council has entered into with Hill Partnerships, the contractor is eligible to submit an Extension of Time (EOT) claim to recover their direct and indirect (sub-contractor) losses due to delays not caused by themselves. Hill submitted their EOT claim on 4<sup>th</sup> March 2022 and instead of a 21-week delay, have claimed a 15-week delay by resequencing the construction programme. The initial financial claim associated with the EOT was £1.4m but Hill indicated as they are a partner in the Rushmoor Development Partnership that they were open to working with the Council to reduce the claim.

The impact of the delay is that the original completion date of 13<sup>th</sup> June 2024 was extended to 23<sup>rd</sup> September 2024. This completion date for the scheme raises a significant issue as it would mean that the student accommodation will not be ready for the start of the Autumn term in 2024. This could result in income from the student accommodation being lost for up to a full year. The gross income from the student accommodation is forecast at approx. £900k (gross) in year 1. It was therefore important that as well as negotiating the financial claim, all opportunities were explored to ensure the build completed before the start of the Autumn term 2024.

The Council's Employers Agent has been negotiating on the Council's behalf and the following Commercial Settlement has been agreed as fair and reasonable by both parties and confirmed as such by the Council's legal advisor Browne Jacobsen (e-mail attached):

- (1) The Council grant an Extension of Time to the 22<sup>nd</sup> July 2024 (instead of 23<sup>rd</sup> September 2024)
- (2) The Loss and Expense claim associated with the delay be agreed as a Commercial Settlement at £783,000.00 (original EOT claim £1.4m)
- (3) A Deed of Variation be entered into by both parties to remove the current 6-week Liquidated Ascertained Damages (LAD) free period from the contract

An urgent decision is required to enable Hill to activate works packages to ensure no further delays and costs are incurred. Hill will also be requested to reprofile the construction payments to enable the impact on capital budget requirements for 2022/23 and 2023/24 to be assessed and the Head of Finance will then bring forward changes to the agreed budget.

Subject to final confirmation by Bailey Garner (the Council's EA) of the commercial settlement at £783,000, the proposal for the EOT claim as set out at (1)-(3) above be agreed.

This decision has been shared with the Council's Executive Leadership Team and relevant Portfolio Holders. Councillor Mike Smith (Chair of Overview and Scrutiny Committee) has been advised in accordance with the Council's Access to Information Procedure Rules, Arrangements for Urgency and Exceptions Sections (1) and (3). The Decision will be reported to Cabinet at its next meeting.

**DATE DECISION TAKEN:** 31<sup>st</sup> May 2022

**ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

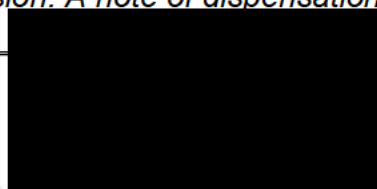
*(Those examined by officers and generated by consultation, etc)*

To continue to negotiate/contest the EOT claim. This risked ending up with a higher cost overall and the completion date extending beyond July 2024 due to contractors being deferred and difficulties in getting them back onto site given the current market conditions.

**ANY CONFLICTS OF INTERESTS DECLARED**

*(conflict of interests of any executive member who is consulted by the officer which relates to the decision. A note of dispensation should be attached).*

**Signed:**  
(Decision Maker)



**Signed:** \_\_\_\_\_  
(Cabinet Member Consultee where applicable)

**Designation: Executive Director**